Norman Cousins: Anatomy of an Illness

Saturday Review

May 28, 1977

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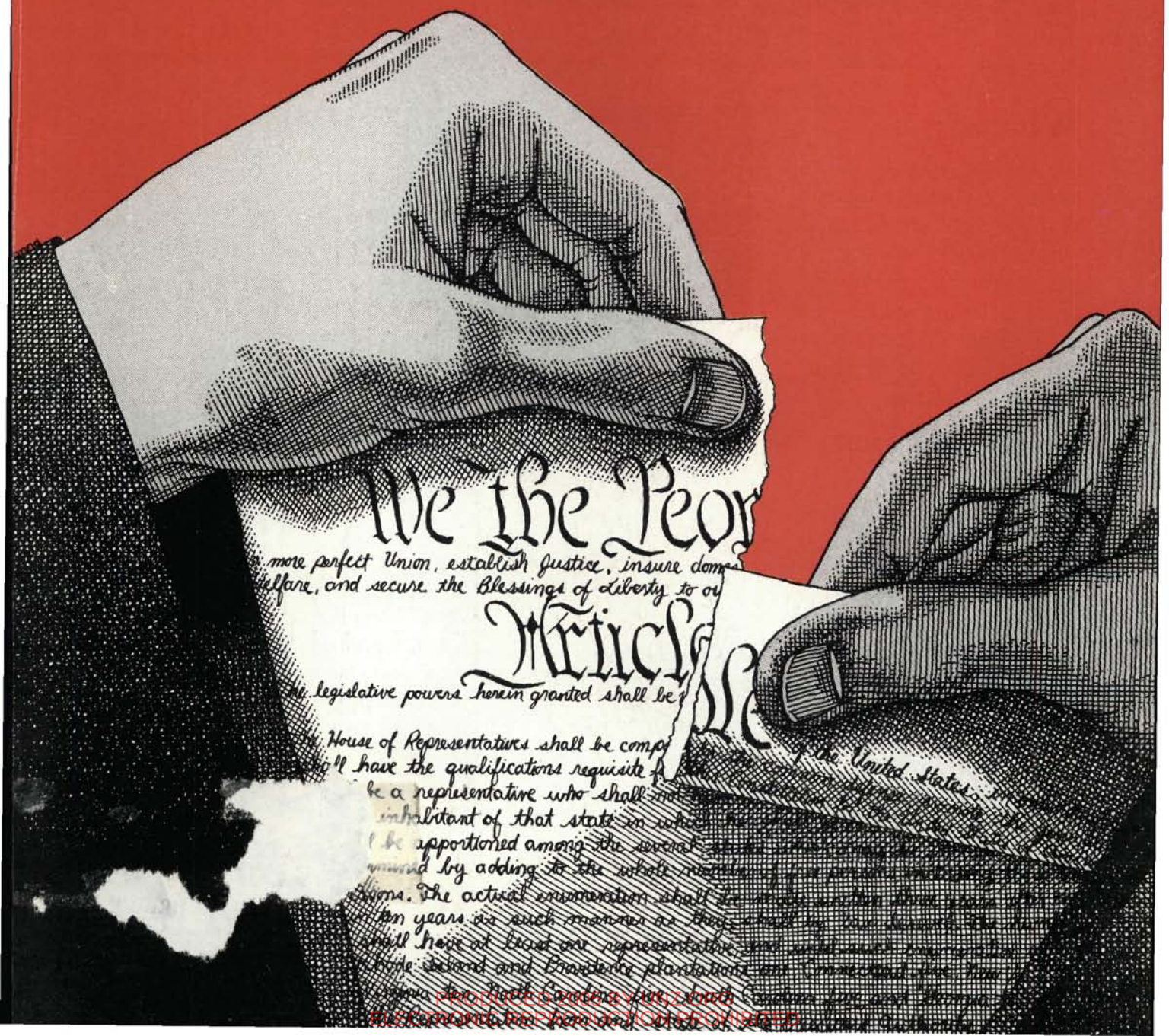
HAS THE SUPREME COURT ABANDONED THE CONSTITUTION?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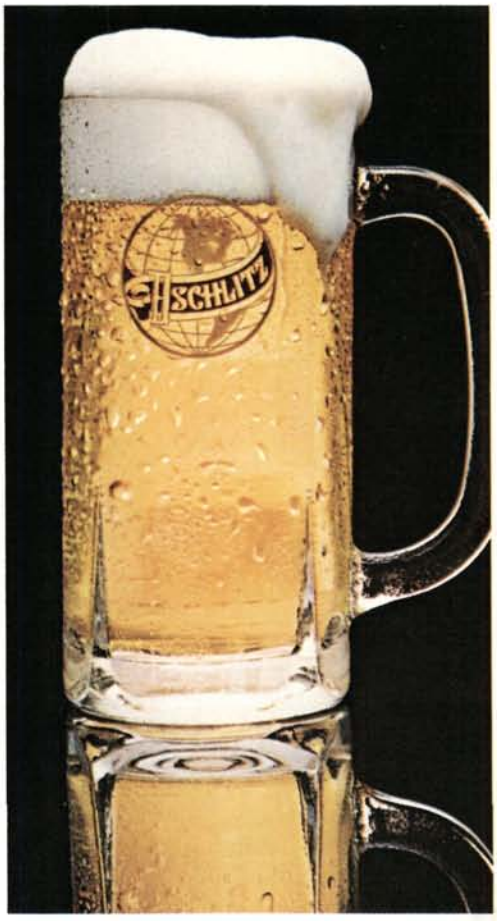

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Saturday Review

May 28, 1977

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Cover illustration by Ron Chironna

Cartoonists: Nick Hobart, Michael Saphier, Robert Mankoff, Clarence Brown, V. Gene Myers, Ford Button, Brian Katz

SATURDAY REVIEW published bi-weekly by SATURDAY REVIEW MAGAZINE CORP., 1290 Ave. of the Americas, N.Y., N.Y. 10019.
President, Carll Tucker; Chairman, Executive Committee, R. Peter Straus; Norman Cousins, Vice-President; Warren R. Erhardt, Vice-President; Nathan Cohn, Secretary and Treasurer; Anthony Salisbury, Advertising Director; Robert A. Burghardt, Vice-President of Advertising Services; Advertising Sales—Peter F. De Vito, Jr., M. D. Fidanque, Rebecca Landsman, Joseph Luyber; Director of Advertising Services, Robert Ziegler; Advertising Production, Joan Grant; Administrative Assistant to the Publisher, Susan Selby; Advertising Representatives—Western Region, Donald G. Dickey Co., 681 Market Street, San Francisco, Calif. 94105; Midwestern Region, Joseph Wall & Associates, 400 Ascot Drive, Park Ridge, Ill. 60068; Detroit, Robert M. Morin, S.M.A., 19400 W. 10 Mile Road, Suite 216, Southfield, Mich. 48075; Circulation Director, George Reeves; Classified Advertising Manager, Charlotte Henkel; Accounting Department, Dave Freed; Assistant to the Controller, Bobby Levasseur; Administrative Assistant to the Editor, Emily Suesskind; Administrative Assistants, Dorothy Murray, Dorothy Re, Mary Swift, Jean Winters.
Subscription price in U.S. and its possessions: one year—$14; two years—$24; three years—$30 (all other countries—additional postage $3 per year). Vol. 4, No. 17, May 28, 1977.
Back issues are $1 per copy. Entered as second-class mail in New York, N.Y., and at additional mailing offices. Canadian postage paid at Montreal, P.Q. Canada.
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A code of ethics isn't something you post on the bulletin board.

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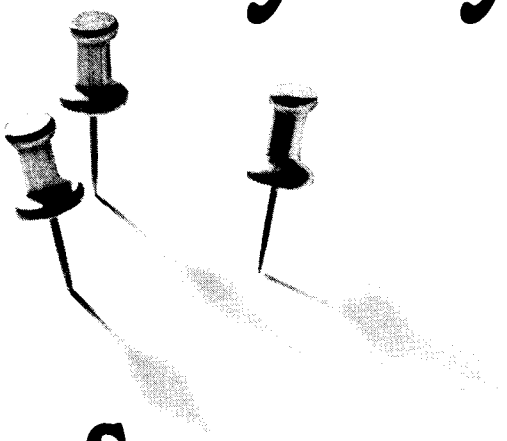

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(We have a brief booklet on corporate citizenship which we believe covers this subject. If you'd like one, just write our Director of Corporate Communications.)

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Anatomy of an Illness (as Perceived by the Patient)

by Norman Cousins

EVER since the publication of Adam Smith's much-talked-about *Powers of the Mind*, people have written to ask whether his account of my recovery from a supposedly incurable illness was accurately reported. In particular, readers have been eager to verify Mr. Smith's statement that I "laughed" my way out of a crippling disease that doctors believed to be irreversible.

I have not written in any detailed way about my illness, which occurred in 1964, largely because I was fearful of creating false hopes in other persons similarly afflicted. Moreover, I knew that a single case has small standing in the annals of medical research. I had thought that my own episode might have anecdotal value—nothing more. However, since my case has surfaced in the public press, I feel justified in providing a fuller picture than was contained in Mr. Smith's account.

In August 1964, I flew home from a trip abroad with a slight fever. The malaise, which took the form of a general feeling of achiness, rapidly deepened. Within a week it became difficult to move my neck, arms, hands, fingers, and legs. My sedimentation rate was over 80. Of all the diagnostic tests, the "sed" rate is one of the most useful to the physician. The way it works is beautifully simple. The speed with which red blood cells settle in a test tube—measured in millimeters per hour—is generally proportionate to the severity of an inflammation or infection. A normal illness, such as grippe, might produce a sedimentation reading of, say, 30 or even 40. When the rate goes well beyond 60 or 70, however, the physician knows that he is dealing with more than a casual health problem. I was hospitalized when the sed rate hit 88. Within a week it was up to 115, generally considered to be a sign of a critical condition.

There were other tests, some of which seemed to me to be more an assertion of the clinical capability of the hospital than of concern for the well-being of the patient. I was astounded when four technicians from four different departments took four separate and substantial blood samples on the same day. That the hospital didn't take the trouble to coordinate the tests, using one blood specimen, seemed to me inexplicable and irresponsible. Taking four large slugs of blood in one day even from a healthy person is hardly to be recommended. When the technicians came the second day to fill their containers with blood for processing in separate laboratories, I turned them away and had a sign posted on my door saying that I would give just one specimen every three days and that I expected the different departments to draw from one vial for their individual needs.

I had a fast-growing conviction that a hospital is no place for a person who is seriously ill. The surprising lack of respect for basic sanitation; the rapidity with which staphylococci and other pathogenic organisms can run through an entire hospital; the extensive and sometimes promiscuous use of X-ray equipment; the seemingly indiscriminate administration of tranquilizers and powerful pain-killers, more for the convenience of hospital staff in managing patients than for therapeutic needs; and the regularity with which hospital routine takes precedence over the rest requirements of the patient (slumber, when it comes for an ill person, is an uncommon blessing and is not to be wantonly interrupted)—all these and other practices seemed to me to be critical shortcomings of the modern hospital.

Perhaps the hospital's most serious failure was in the area of nutrition. It was not just that the meals were poorly balanced; what seemed inexcusable to me was the profusion of processed foods, some of which contained preservatives or harmful dyes. White bread, with its chemical softeners and bleached flour, was offered with every meal. Vegetables were often overcooked and thus deprived of much of their nutritional value. No wonder the 1969 White House Conference on Food, Nutrition, and Health made the melancholy observation that the great failure of medical schools is that they pay so little attention to the science of nutrition.

MY DOCTOR did not quarrel with my reservations about hospital procedures. I was fortunate to have as a physician a man who was able to put himself in the position of the patient. Dr. William Hitzig supported me in the measures I took to fend off the random sanguinary assaults of the hospital laboratory attendants.

We had been close friends for more than 20 years, and he knew of my own deep interest in medical matters. We had often discussed articles in the medical press, including the *New England Journal of Medicine* and *Lancet*. He was candid with me about my case. He reviewed the reports of the various specialists he had called in as consultants. He said there was no agreement on a precise diagnosis. There was, however, a consensus that I was suffering from a serious collagen illness—a disease of the connective tissue. All arthritic and rheumatic diseases are in this category. Collagen is the fibrous substance that binds the cells together. In a sense, then, I was coming unstuck. I had considerable difficulty in moving my limbs and even in turning over in bed. Nodules appeared on my body, gravel-like substances under the skin, indicating the systemic nature of the disease. At the low point of my illness, my jaws were almost locked.

Dr. Hitzig called in experts from Dr. Howard Rusk's

Editor's Note: The accompanying article is reprinted from the New England Journal of Medicine, *by special arrangement with the editor of that magazine.*

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rehabilitation clinic in New York. They confirmed the general opinion, adding the more particularized diagnosis of ankylosing spondylitis, which would mean that the connective tissue in the spine was disintegrating.*

I asked Dr. Hitzig about my chances for full recovery. He leveled with me, admitting that one of the specialists had told him I had one chance in 500. The specialist had also stated that he had not personally witnessed a recovery from this comprehensive condition.

ALL this gave me a great deal to think about. Up to that time, I had been more or less disposed to let the doctors worry about my condition. But now I felt a compulsion to get into the act. It seemed clear to me that if I was to be that "one case in 500" I had better be something more than a passive observer.

I asked Dr. Hitzig about the possible origin of my condition. He said that it could have come from any one of a number of causes. It could have come, for example, from heavy-metal poisoning, or it could have been the after-effect of a streptococcal infection.

I thought as hard as I could about the sequence of events immediately preceding the illness. I had gone to the Soviet Union in July 1964 as chairman of an American delegation to consider the problems of cultural exchange. The conference had been held in Leningrad, after which we went to Moscow for supplementary meetings. Our hotel was in a residential area. My room was on the second floor. Each night a procession of diesel trucks plied back and forth to a nearby housing project in the process of round-the-clock construction. It was summer, and our windows were wide open. I slept uneasily each night and felt somewhat nauseated on arising. On our last day in Moscow, at the airport, I caught the exhaust spew of a large jet at point-blank range as it swung around on the tarmac.

As I thought back on that Moscow experience, I wondered whether the exposure to the hydrocarbons from the diesel exhaust at the hotel and at the airport had anything to do with the underlying cause of the illness. If so, that might account for the speculations of the doctors concerning heavy-metal poisoning. The trouble with this theory, however, was that my wife, who had been with me on the trip, had no ill effects from the same exposure. How likely was it that only one of us would have reacted adversely?

It seemed to me, as I thought about it, that there were two possible explanations for the different reactions. One had to do with individual allergy. The second was that I could have been in a condition of adrenal exhaustion and less apt to tolerate a toxic experience than someone whose immunologic system was fully functional.

Was adrenal exhaustion a factor in my own illness?

Again, I thought carefully. The meetings in Leningrad and Moscow had not been casual. Paper work had kept me up late nights. I had ceremonial responsibilities. Our last evening in Moscow had been, at least for me, an exercise in almost total frustration. A reception had been arranged by the chairman of the Soviet delegation at his dacha, located 35 to 40 miles outside the city. I had been asked if I could arrive an hour early so that I might tell the Soviet delegates something about the individual Americans who were coming to dinner. The Russians were eager to make the Americans feel at home, and they had thought such information would help them with the social amenities.

I was told that a car and driver from the government automobile pool in Moscow would pick me up at the hotel at 3:30 P.M. This would allow ample time for me to drive to the dacha by 5:00 P.M., when all our Russian conference colleagues would be gathered for the social briefing. The rest of the American delegation would arrive at the dacha at 6:00.

At 6:00, however, I found myself in open country on the wrong side of Moscow. There had been a misunderstanding in the transmission of directions to the driver, the result being that we were some 80 miles off course. We finally got our bearings and headed back to Moscow. Our chauffeur had been schooled in cautious driving; he was not disposed to make up lost time. I kept wishing for a driver with a compulsion to prove that auto racing, like baseball, originally came from the U.S.S.R.

We didn't arrive at the dacha until 9:00 P.M. My host's wife looked desolate. The soup had been heated and reheated. The veal was dried out. I felt pretty wrung out myself. It was a long flight back to the States the next day. The plane was overcrowded. By the time we arrived in New York, cleared through the packed customs counters, and got rolling back to Connecticut, I could feel an uneasiness deep in my bones. A week later I was hospitalized.

"Pain is part of the body's magic. It is the way the body transmits a sign to the brain that something is wrong."

As I thought back on my experience abroad, I knew that I was probably on the right track in my search for a cause of the illness. I found myself increasingly convinced, as I said a moment ago, that the reason I was hit hard by the diesel and jet pollutants, whereas my wife was not, was that I had had a case of adrenal exhaustion, lowering my resistance.

Assuming this hypothesis was true, I had to get my adrenal glands functioning properly again and to restore what Walter Cannon, in his famous book *The Wisdom of the Body*, called homeostasis.

I knew that the full functioning of my endocrine system—in particular, the adrenal glands—was essential for combating severe arthritis or, for that matter, any other illness. A study I had read in the medical press reported that pregnant women frequently have remissions of arthritic or other rheumatic symptoms. The reason is that the endocrine system is fully activated during pregnancy.

How was I to get my adrenal glands and my endocrine system, in general, working well again?

I remembered having read, ten years or so earlier, Hans Selye's classic book, *The Stress of Life*. With great clarity, Selye showed that adrenal exhaustion could be caused by emotional tension, such as frustration or suppressed rage.

*This diagnosis was later questioned by some doctors, who contended that the existence of nodules argued against such a finding.

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He detailed the negative effects of the negative emotions on body chemistry.

THE inevitable question arose in my mind: What about the positive emotions? If negative emotions produce negative chemical changes in the body, wouldn't the positive emotions produce positive chemical changes? Is it possible that love, hope, faith, laughter, confidence, and the will to live have therapeutic value? Do chemical changes occur only on the downside?

Obviously, putting the positive emotions to work was nothing so simple as turning on a garden hose. But even a reasonable degree of control over my emotions might have a salutary physiologic effect. Just replacing anxiety with a fair degree of confidence might be helpful.

A plan began to form in my mind for systematic pursuit of the salutary emotions, and I knew that I would want to discuss it with my doctor. Two preconditions, however, seemed obvious for the experiment. The first concerned my medication. If that medication was toxic to any degree, it was doubtful whether the plan would work. The second precondition concerned the hospital. I knew I would have to find a place somewhat more conducive to a positive outlook on life.

Let's consider these preconditions separately.

First, the medication. The emphasis had been on pain-killing drugs—aspirin, phenylbutazone (Butazolidin), codeine, colchicine, sleeping pills. The aspirin and phenylbutazone were anti-inflammatory and thus were therapeutically justifiable. But I wasn't sure they weren't also toxic. It developed that I was hypersensitive to virtually all the medication I was receiving. The hospital had been giving me maximum dosages: 26 aspirin tablets and 12 phenylbutazone tablets a day. No wonder I had hives all over my body and felt as though my skin were being chewed up by millions of red ants.

"The will to live is not a theoretical abstraction, but a physiologic reality with therapeutic characteristics."

It was unreasonable to expect positive chemical changes to take place so long as my body was being saturated with, and toxified by, pain-killing medications. I had one of my research assistants at the *Saturday Review* look up the pertinent references in the medical journals and found that drugs like phenylbutazone and even aspirin levy a heavy tax on the adrenal glands. I also learned that phenylbutazone is one of the most powerful drugs being manufactured. It can produce bloody stools, the result of its antagonism to fibrinogen. It can cause intolerable itching and sleeplessness. It can depress bone marrow.

Aspirin, of course, enjoys a more auspicious reputation, at least with the general public. The prevailing impression of aspirin is that it is not only the most harmless drug available but also one of the most effective. When I looked into research in the medical journals, however, I found that aspirin is quite powerful in its own right and that it warrants considerable care in its use. The fact that it can be bought in unlimited quantities without prescription or doctor's guidance seemed indefensible. Even in small amounts, it can cause internal bleeding. Articles in the medical press reported that the chemical composition of aspirin, like that of phenylbutazone, impairs the clotting function of platelets, disc-shaped substances in the blood.

It was a mind-boggling train of thought. Could it be, I asked myself, that aspirin, so universally accepted for so many years, was actually harmful in the treatment of collagen illnesses such as arthritis?*

THE history of medicine is replete with accounts of drugs and modes of treatment that were in use for many years before it was recognized that they did more harm than good. For centuries, for example, doctors believed that drawing blood from patients was essential for rapid recovery from virtually every illness. Then, midway through the nineteenth century, it was discovered that bleeding served only to weaken the patient. King Charles II's death is believed to have been caused in large part by administered bleedings. George Washington's death was also hastened by the severe loss of blood resulting from this treatment.

Living in the second half of the twentieth century, I realized, confers no automatic protection against unwise or even dangerous drugs and methods. Each age has had to undergo its own special nostrums. Fortunately, the human body is a remarkably durable instrument and has been able to withstand all sorts of prescribed assaults over the centuries, from freezing to animal dung.

Suppose I stopped taking aspirin and phenylbutazone? What about the pain? The bones in my spine and practically every joint in my body felt as though I had been run over by a truck.

I knew that pain could be affected by attitudes. Most people become panicky about almost any pain. On all sides they have been so bombarded by advertisements about pain that they take this or that analgesic at the slightest sign of an ache. We are largely illiterate about pain and so are seldom able to deal with it rationally. Pain is part of the body's magic. It is the way the body transmits a sign to the brain that something is wrong. Leprous patients pray for the sensation of pain. What makes leprosy such a terrible disease is that the victim usually feels no pain when his extremities are being injured. He loses his fingers or toes because he receives no warning signal.

I could stand pain so long as I knew that progress was being made in meeting the basic need. That need, I felt, was to restore the body's capacity to halt the continuing breakdown of connective tissue.

There was also the problem of the severe inflammation. If we dispensed with the aspirin, how would we combat the inflammation? I recalled having read in the medical journals

Continued on page 48

*The scientific verification that aspirin can be harmful in the treatment of collagen diseases came in 1971 and is discussed later in this article.

I realize, of course, that the implications here are not entirely negative in view of the fact that the same properties of aspirin that prolong bleeding also prevent clotting. Aspirin is therefore useful to some patients with cardiac disease and to those for whom clotting is a danger.

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Letters from Readers

Gone Haywire

I never—well, hardly ever—quarrel with a critic. But I was outraged by Elaine Dundy's snide review and completely malicious appraisal of Brooke Hayward's *Haywire* ["Books in Brief," April 2].

As both a writer and a reader, I found Brooke Hayward's book anything but "flip," "plodding," "dreary," with "ill-advised attempts at black humor." On the contrary, I felt it deeply moving, affecting without affectation, touching without the least attempt at tear-jerking. It is an extraordinary, if tragic, story, extraordinarily well told, to which any sensitive reader will be sure to respond.

Louis Untermeyer
Newtown, Conn.

A Yen for Japanese

Donald Kirk ["The High Cost of Doing Business with Japan," March 19] presents a fearsome picture of the state of trade relations between the U.S. and Japan.

English is said to be an international language and is often used for business contacts between the United States and Japan. However, could one "non-tariff barrier"—the phrase Kirk uses for practices that make marketing of foreign goods impossible in Japan—be the failure of most foreign businessmen to learn Japanese? If a company is planning a multimillion-dollar trade venture in Japan, wouldn't it be worthwhile to ensure that someone on the negotiating team be fluent in Japanese and familiar with the Japanese culture? Working through interpreters makes the foreign businessman more foreign to the Japanese.

Barry Duell
Kawagoe, Japan

Cops and Robbers

Stephen Arons and Ethan Katsh ["How TV Cops Flout the Law," March 19] tell us that TV is softening public opinion of police misconduct.

We, the public, know that crime is increasing. We are all direct victims. Criminals prevent me from taking a walk in certain parks at night. They make me think twice about traveling to particular city areas. They have broken into my house twice. They have mugged my friends and stolen their cars. My children are offered drugs in public schools.

In spite of this flood of insults to our civil liberties, we tend to see police primarily as traffic hindrances and harassers spending their time giving tickets to straight taxpayers and avoiding the heavier stuff. Is it surprising, then, that we grasp TV cop heroes to our bosoms? Are we not allowed, at least in that dream world, to see the good guys win and the bad guys lose, painfully? And isn't it too damn bad we can only dream while the statistics keep going up?

D. Cameron
Middleburg Heights, Ohio

Hitler: "I Know Everything"

In his review of *Hitler's War*, by David Irving ["Books in Brief," March 19], James Sloan Allen says the author tries to "exonerate" Hitler. He writes, "Irving supplies evidence that Hitler once even prohibited liquidation of the Jews and accuses Himmler of concealing the fact of the murders. The author finds no proof that Hitler ever knew the truth."

Readers ought to be reminded that Hitler's blueprint for genocide can be found in *Mein Kampf*, published ten years before he ascended to power. As for Hitler not knowing the truth, I refer anyone interested to *Hitler*, by John Toland. Toland writes that a secretary told Hitler about "rumors" that he was unaware of the fact that millions of Jews had been gassed. Hitler's reply: "Das ist dumm. Ich weiss alles." (That's stupid. I know everything.)

Hans Illing
Inglewood, Calif.

The Child's Right to TV

After reading Bruce Cook's excellent review of Marie Winn's *The Plug-In Drug* ["Tune In, Turn On, Drop Out," March 5], I wished Cook had gone a bit further.

My two girls, aged eight and nine-and-a-half, spend nine hours daily, five days a week, hassling grammar, history, geography, math, and recess periods of violent outdoor (rain or shine) sports. Why shouldn't they come home each evening and flop down in front of the TV for a few hours of "nonverbal passivity"? They don't happen to suck their thumbs or cuddle their blankets at the same time, but what if they did? Usually the coffee table near the television set is covered with paste, paper, scissors, etc., and they seldom sit with their eyes glued to the set. But what if they did?

When tired parents spend an evening at the films, theaters, concert halls, is there any difference? What in the name of all that's valuable in life is wrong with wasting a little time? There may be issues concerning programming, but at this time I address myself solely to the right to unwind, passively, contributing nothing at all. And this means children, too.

Evangeline Weiss
Paris, France

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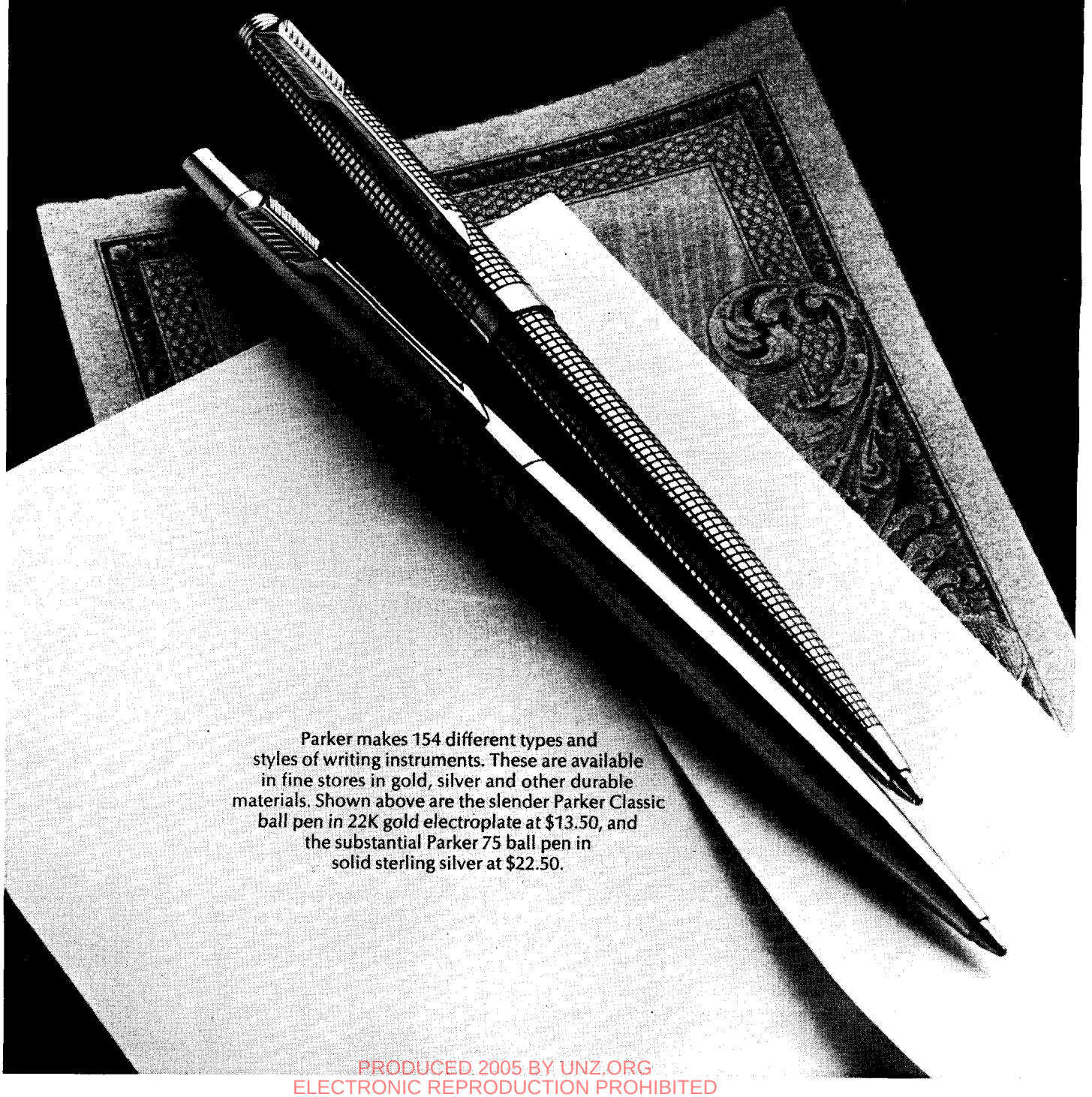
How many other lifetime investments cost as little as $13.50?



Parker makes 154 different types and styles of writing instruments. These are available in fine stores in gold, silver and other durable materials. Shown above are the slender Parker Classic ball pen in 22K gold electroplate at $13.50, and the substantial Parker 75 ball pen in solid sterling silver at $22.50.

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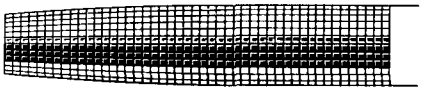
If you thought craftsmanship was dead, you owe it to yourself to inspect today's Parker pens. Few things at any price will perform so well so long.

Parker pens have been called "jewelry that writes" and "a minor miracle in engineering." Yet they don't cost a bundle of money.

Many of the differences that set a Parker pen apart are not immediately evident, but each contributes to its rare performance and confirms its reputation as a thing of quality in a world of diminished standards.

Whether you select the slim Classic ball pen, or the 75 ball pen, fountain pen or soft tip pen, each is a precision machine housed in an elegant casing. It still may seem extravagant to buy this much pen for yourself (we hope not). But its obvious worth and functionality make it apparent it would be an exceptional long-term asset.

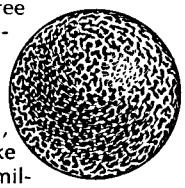
Here's why a Parker pen offers substantially more for your money.

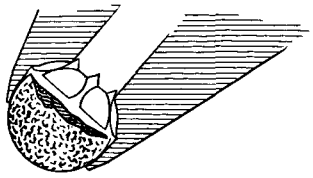


1. The distinctive Parker grid design was inspired by a leading London silversmith. Carved deeply into the case by a precise sequence of beveled cuts, the design is found on all sterling silver Classic and 75 ball pens, fountain pens and soft tip pens. The result is a metal sculpture that provides dozens of finger-fitting treads for easy, certain grip.

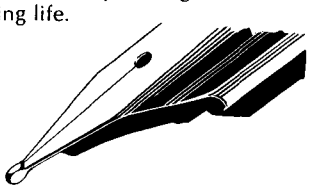
2. The arrow clip on the Parker 75 is a study in tenacity. Made of tough, resilient beryllium copper and created through nine separate stages of metalwork, it is tested to 20,000 snap actions. Clipped low and secure in a pocket, a Parker pen will not lose its grip.

3. The near-perfect sphere at the point of a Parker ball pen takes three weeks to make! This intricate bit of powder metallurgy is a Parker contribution to the art of penmaking. For smooth, even ink delivery, we make the ball round within ten/millionths of an inch. Microscopic texture on its tungsten-carbide surface is formed by something our scientists call "controlled crater geometry." Result is ideal grip on paper and a clean, even line. If you think no other ball pen writes quite like a Parker, it's not your imagination.



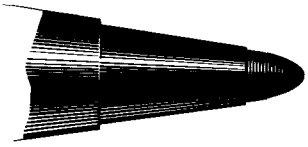


4. How well a ball pen writes depends as much on the ball socket as on the ball itself. If the lip of this nose-cone isn't strong enough, it will rub against the ball. Result: blobbing. Also, if the socket wears or corrodes, you will get an uneven, "goopy" kind of writing. The Parker ball socket is extremely tough, corrosion-resistant stainless steel. It must be this durable because the Parker ball pen writes months longer than the ordinary ballpoint and the socket has to stand up throughout all that extra writing life.



5. Like a fountain pen for writing with flow and character? Remember, the nib is the sensor of the fountain pen. For a smooth feel and even ink flow, it must have some flexibility. The Parker 75 nib is solid 14K gold, which has the flexibility and resilience necessary and resists corrosion.

6. Good as gold is for a nib, it would wear down in short order if it came in contact with the paper, a natural abrasive. This would cause a scratchy feel and uneven ink delivery. So the Parker 75 nib is tipped with a tiny pellet. This pellet is an incredibly tough alloy of ruthenium and platinum that wears *in*, to your touch, but won't wear *out*. Of the eight precious metals in the world, we consider it essential to use four in making the Parker 75 Sterling fountain pen.



7. Soft tip points can let you down. All too often they grow limp or splay. The Parker point is made of strong, individual strands of nylon bonded together by a specific trace of epoxy glue.

8. A Parker even *sounds* different. When the cap snaps together with the working end, a positive clutch is engaged. This marries the two parts very firmly. The sound, in miniature, is not unlike the authoritative "thunk" made by closing the door of a fine sports car.

The only thing better than one Parker pen is a Parker pen set. And it's easy to make up exactly what you want. Just mix and match any Classic or 75 pen, ball pen, soft tip pen or gift pencil with any other.

Every Parker pen is refillable and built to last. Because we expect you, or someone you're fond of, to use it not just for a few years but for a few decades.

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Has the Supreme Court Abandoned the Constitution?

All things considered, Burger Court decisions will mean fewer constitutional protections and less freedom—for every American

by Laughlin McDonald

THE Supreme Court has lost its sense of direction. It seems almost to have forgotten what its job is—to interpret and defend the Constitution. Under Chief Justice Warren Burger it is systematically restricting its own jurisdiction, and that of the lower federal courts, to hear and decide cases involving the denial of constitutional rights. It is nailing up its doors. As a result, people with legitimate complaints are left without remedy or redress. But paradoxically, it is often better to be ignored by the Supreme Court these days, for with increasing frequency the Court turns the cases that it does hear into constitutional disasters.

Take race cases. Suppose that blacks in a particular town wanted to do something about the fact that most of the unpaved roads were on their side of the tracks, while most of the sewer lines, waterlines, streetlights, and garbage pickups were in the white neighborhoods. It used to be that they could go into federal court, show the racial impact of the allocation of municipal services, and on that basis establish denial of constitutional equal protection. They could then demand that the court make the city put in some paved roads and waterlines in the predominantly black parts of town. Nobody ever thought that the court would also require them —as the Burger Court is doing—to show that city officials *intended* to discriminate on the basis of race.

The reasons for that requirement are plain enough. Only the city officials know what their intent is, and experience shows that few people, particularly public officials, will admit that they intentionally discriminate on the basis of race. If black plaintiffs have to prove intent, they can forget about getting their fair share of streetlights and garbage pickups.

The law involving racial impact as a sufficient basis for demonstrating racial discrimination was fairly settled during the days when Earl Warren was Chief Justice, and it was applied not only in municipal services cases but also in employment, school desegregation, voting, housing, zoning, jury, and public accommodations cases. But the Supreme Court under Chief Justice Warren Burger has thrown most of that law out of the window. It did so in a case called *Washington* v. *Davis*, perhaps the single worst decision of the past 80 years. In *Washington* v. *Davis*, the Court held that adverse racial impact in the use of an employment test by the District of Columbia did not make out a case of discrimination in the absence of proof of racial intent.

Laughlin McDonald is director of the southern regional office of the ACLU Foundation in Atlanta.

But the Court didn't stop there. It discussed other cases that didn't involve employment at all and indicated that they, too, had been wrongly decided. In this way, the Court tacitly overruled 16 decisions in which blacks had been granted relief because of adverse racial impact in employment, urban renewal, zoning, public housing, and allocation of municipal services. It left untouched, for the moment, the jury cases. What *Washington* v. *Davis* may mean as a practical matter, and what some lower courts are already saying that it does mean, is that public officials can now discriminate on the basis of race as long as they don't admit it.

Minorities have been served poorly by the Burger Court in other ways. In the past, lower federal courts awarded fees to attorneys who brought suits that successfully integrated juries or desegregated schools. The theory was that the lawyers were acting as private attorneys general implementing constitutional policy against racial discrimination. But the Burger Court changed all that. In *Alyeska Pipeline Service Co.* v. *Wilderness Society*, it said that the lower courts were wrong and that attorney's fees could not be awarded on a "private attorney general" theory. The thing that startled many people was that *Alyeska* didn't involve race at all, or even a constitutional claim. The plaintiffs had been awarded fees because of their efforts to enforce environmental protection laws. In knocking down the award in *Alyeska*, the Court gratuitously discouraged all constitutional litigation by making it more costly than ever before, and, to that extent, it impeded enforcement of the Thirteenth, Fourteenth, and Fifteenth Amendments. But fortunately the Court hasn't had the last word on attorney's fees. Congress has enacted legislation providing for an award of fees to prevailing parties in almost all civil rights litigation.

As *Alyeska* v. *Wilderness Society* shows, the Burger Court's departure from the judicial philosophy of the Warren Court is not limited to race cases. In three recent cases it wandered to the brink of doing away altogether with meaningful federal review of state criminal proceedings. The Supreme Court can review on direct appeal convictions affirmed by the highest state courts, but such review is rarely granted. The usual way in which federal courts review state convictions, if they do so at all, is through habeas corpus proceedings brought in the federal district courts. Such Fourth Amendment matters as illegal searches and seizures by the police (which might have been raised in the state courts) and such Sixth Amendment matters as racial exclusion on juries (which might not have been raised in the state proceedings) used to be routinely heard and resolved. Federal

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review of constitutional claims was thought to be required, because the federal courts, under our system of law, are the final interpreters of the Constitution. As Chief Justice Warren said, the federal courts have not simply the right but the duty to defend the Constitution. Not anymore, apparently.

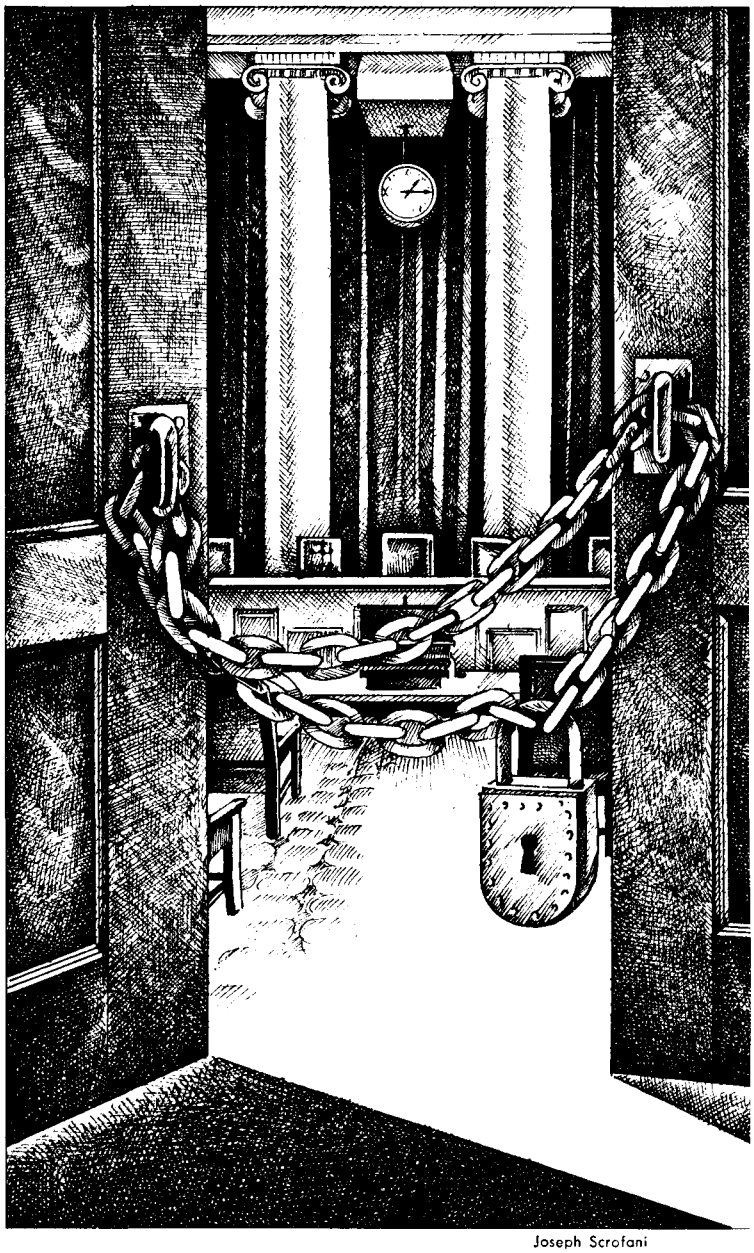
In *Stone* v. *Powell*, decided in 1976, the Burger Court held that federal habeas corpus review of Fourth Amendment claims could no longer be granted if the claims had been first heard in the state courts. Thus, except in those few cases in which the Supreme Court agrees to a direct review, federal review of state statutes and practices that cause Fourth Amendment violations is simply wiped out. And that may be just the beginning. Given the direction of this Court, it could stop the federal courts from reviewing other kinds of constitutional claims. In two cases decided at about the same time as *Stone*, it showed just how easily that could be done.

IN THE first case, a seventeen-year-old black youth named Abraham Francis had been tried in Louisiana by a jury from which daily wage earners and Negroes had admittedly been excluded. Francis was represented by an unpaid state-appointed lawyer who was in failing health and hadn't practiced criminal law in years. The lawyer did essentially nothing to prepare his client's case. He did not challenge the composition of his client's jury, nor did he ever discuss with him the fact that challenge was possible. After a one-day trial, Francis was convicted and sentenced to life imprisonment. Later, he got another lawyer and challenged his jury in a habeas corpus action, arguing that he had been denied a fair trial. It used to be the law that such claims would be considered by the federal courts unless the government could show that the defendant, as opposed to his lawyer, knew about the right to a fair trial but had deliberately decided not to assert it. Such a waiver could hardly have been established in Francis's case.

Nonetheless, the Supreme Court held that because the lawyer was required by state law to raise jury challenges prior to trial and had not done so, the federal courts would not review the jury discrimination claim. Thus, a man convicted admittedly in violation of his constitutional right to a fairly selected and impartial jury was left to spend his life in the slammer because of a technicality.

The second case involved Harry Lee Williams, who was in a Texas jail awaiting trial on an assault charge. When he learned that his case was going to trial, Williams asked the jailer for his civilian clothes because he didn't want the jury to see and think of him as a convict. The request was denied. Williams made no objection to the judge during the trial itself to being tried in prison clothes (in violation of the presumption of innocence) because he thought that objection was futile. Later, he filed a habeas corpus application asserting that his conviction was unlawful. There was no state rule in Texas similar to the one in Louisiana saying that such an objection had to be raised prior to trial, but the Supreme Court denied relief anyway. It said that the failure to object to the judge, for whatever reason, showed that Williams was not compelled to stand trial in prison clothes and that, as a result, there was no constitutional violation.

In 1963, the Warren Court described the writ of habeas corpus and the check it imposes on illegal restraint as "one of the precious heritages of Anglo-American civilization."



Joseph Scrofani

There was no higher duty, said the Court, than to maintain the writ unimpaired. But the Burger Court, by refusing to hear constitutional claims that were raised in the state courts as well as those that were not, has undermined the writ of habeas corpus and thereby the Constitution itself.

When the Supreme Court refuses to hear a constitutional claim, such as that involved in *Stone* v. *Powell*, it effectively denies it. State courts, of course, also have a duty to enforce the Constitution, but in general they have compiled an abysmal record of doing so. William H. Taft, who later became Chief Justice of the Supreme Court, wrote in 1904 that "the administration of criminal law in all states of the Union (there may be one or two exceptions) is a disgrace to our civilization." Forty-seven years later, another Justice, Felix Frankfurter, said he still agreed with Taft. The record of state courts in defending the Constitution in civil cases is generally no better. State courts have tolerated every conceivable form of racial discrimination, whether in education, ownership of property, housing, the administration of jus-

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tice, public accommodations, or voting. Times have changed, but they have changed principally in the federal courts, and the resistance to change from state judiciaries has been bitter and unyielding. History has shown that it is the federal courts that provide an effective forum for protecting constitutional rights, and that when the doors of the federal courthouse are shut, the Constitution is ignored.

There can be no doubt that the Supreme Court is now resolved to hear fewer cases and give less protection to constitutional rights. Chief Justice Burger was asked in a *New York Times* interview in July 1971 what could be done to make federal appeals faster. "Well," he said, "the first thing is to have fewer of them." In a recent year-end report to Congress, he deplored the "tendency of Americans to try to resolve every sort of problem in the courts." Following the Chief Justice's lead, the Court has developed or refined a variety of schemes to keep people out of court. Many of them are quite subtle and ingenious. All of them are devastating in their consequences to ordinary citizens with legitimate complaints.

A simple way to duck cases is to narrow the definition of what the Constitution protects and thus what the federal courts must hear. It used to be generally thought that a person's good name and reputation were aspects of "liberty" protected by the Constitution, and that the government could not destroy them without cause: for example, a person couldn't be branded a criminal unless convicted of a crime. The Supreme Court had indicated as much in the past. Thus, in 1972, when police chiefs in Kentucky called Edgar Davis, a newspaper photographer, a "known" and "active" shoplifter—which he was not—and circulated the accusation on a police flyer to merchants in the Louisville area, it was assumed that Davis could sue the cops for unlawfully depriving him of his good name.

The Burger Court agreed that Davis was not a shoplifter, that he had been wrongly accused, that he would now be afraid to go into stores for fear of being suspected as a shoplifter or even of being arrested, and that his future employment opportunities would be "seriously impaired." Still, the Court said federal courts had no power to hear Davis's case because reputation was not protected by the Constitution.

Justice Brennan, one of the holdovers from the Warren Court years, wrote a stinging dissent, in which he was joined by two other Justices, White and Marshall. He charged that the Court had allowed Kentucky to stigmatize Davis as a criminal without bothering to hold a trial. The decision was "a regrettable abdication" of the Court's constitutional role and "a saddening denigration of our majestic Bill of Rights." Perhaps. But it does cut down the number of appeals.

The Burger Court is restricting access to the federal courts in other ways. It has greatly expanded such technical notions as abstention, exhaustion, and comity, all of which require the federal courts to refuse to hear cases. One example demonstrates how difficult it is to stay in federal court these days. Generally, the federal courts will not enjoin pending state criminal proceedings because of deference to the states (comity). Exceptions to comity were developed during the Warren years so that federal courts could enjoin state prosecutions if they were undertaken in bad faith, if they tended to deprive the defendant of free speech, or if they sought to enforce an unconstitutional state statute. Such injunctions were rare, but the Burger Court has virtually eliminated all these exceptions to comity while at the same time extending comity to state civil proceedings.

But more than that, the Burger Court has held that even in cases where state proceedings are not pending, and where comity could have no application, plaintiffs who are threatened with prosecution must still be turned away from the federal courts because their cases are merely hypothetical and present no case or controversy over which the courts can act. The would-be federal plaintiff is whipsawed. If state proceedings are merely threatened, the case is hypothetical and presents no case or controversy. But when state proceedings are instituted, comity requires the federal courts to abstain. As a result, unconstitutional state action is insulated from meaningful federal review.

NEARLY everything the Burger Court does seems designed to keep people out of court. In 1966, federal court rules were liberalized so that people with small, separate claims could band together in class action suits and take on more wealthy opponents who had caused them a common injury. Without the class action device, thousands of Americans would never have been able to get legal redress because of the prohibitive cost of individual lawsuits. Beginning in 1969, the Supreme Court began to strangle class action litigation. It held that in suits where federal jurisdiction was based on the fact that the parties were citizens of different states, the amount in controversy had to exceed $10,000 and that members of the class could not add up their claims to satisfy that amount. Then the Court went further. It held in a later case that if one or two members of a potential class each had claims exceeding $10,000, a class action could still not be brought unless the other members also satisfied the $10,000 requirement.

These rulings cut down drastically on class action litigation and left many poor people and those with relatively small claims without a remedy. In a third opinion, in 1974, the Court came close to killing class actions altogether. It said that any person wishing to bring a class action for money damages had to notify the other class members. In that case, there were approximately 2.2 million members of the class, and the cost of notification required by the Court was estimated to be $225,000. Because of hostile Burger Court rulings, almost the only people who can now afford to bring class actions are those who don't need to bring them.

Even those who can run the hurdles of federal jurisdiction and win a decision increasingly find their laurels turning to dust, for the Burger Court is systematically undercutting the remedies that federal courts may give to successful litigants. The Court has held that money damages may not be recovered in federal court against state agencies or certain classes of state officials, including prosecutors, judges, and legislators. The Burger Court's logic demands that when a person damaged by unlawful action of the state seeks compensation in a federal court, he will generally lose—even if he wins.

The power of federal courts to stop unlawful governmental action through the use of injunctions has also been cut back. In one case, a lower federal court found that certain Philadelphia police officers had been guilty of a pattern of gross misconduct in office and ordered the Philadelphia city police commissioner to establish a system for hearing citizens' complaints against police abuses. But the Supreme Court held that the lower court had no power to enter such an order because the commissioner had not caused the violations. He had merely failed to control them. To reach that

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Full Speed Backward

For a symbolic definition of the Burger Court's view of life and justice in America, there can be no better illustration than its latest ruling on corporal punishment in the public schools, handed down on April 19, 1977. The case involved a charge made in 1970 by two junior-high-school pupils in Dade County, Florida, that they had been brutally paddled in what they described as a "reign of terror" by the local school administrators.

The Supreme Court, by a vote of 5 to 4, held that the Constitution provides no protection against such adult violence inflicted on children, even when the physical force used against them is, as it was in the Florida incident, "excessive." Ignoring precedents established in two earlier rulings, in 1975 and 1976, the latest majority opinion in this matter swept aside even such relatively minor protections as a child's right to a hearing.

When the Court's majority held that the Eighth Amendment's protection against cruel and unusual punishment applies only to those persons convicted of a crime—but not, by clear inference, to children who may or may not be guilty of a punishable offense—it allied itself with the simplistic view of "law and order" that has its roots in the old-fashioned concept that to spare the rod is to spoil the child.

In fact, Justice Lewis F. Powell, Jr., who wrote for the majority, based the retrogressive ruling in large measure on what he called a long history of resort to corporal punishment dating back to Colonial days. This is an astonishing effort to uphold a peculiarly dubious aspect of the "old verities" at the expense not only of the rights of children but also of a half-century of pedagogical progress. In judicial terms, the ruling is a throwback to the days, around the 1920s, when a conservative Court refused to interfere even with the most unsavory aspects of child labor, justifying its position by citing the children's "right" to work.

—FRED M. HECHINGER

conclusion the Court had to torture common sense and ignore a long line of cases that protect citizens from constitutional violations "by reason of . . . neglect" of public officials.

Burger Court decisions have fallen most cruelly upon those least able to protect themselves. During the Court's past two terms it has denied Social Security benefits to illegitimate children who would have received the benefits automatically had they been legitimate. It has refused to allow poor people in Kentucky to sue over the curtailment of services to indigents by local hospitals. It has kicked out of court another group of poor people who couldn't find places to live in the suburbs of Rochester, New York, because of restrictive zoning ordinances. It has allowed the state of Virginia to prosecute homosexuals for sodomy without even bothering to write an opinion saying why that was constitutionally permissible or what the state's interest in such prosecutions was. It has said that state prison officials could transfer an inmate to another facility because he complained to a judge that he was being denied access to court. It has told city employees that when they are fired and the reasons given for discharge are false, they shouldn't bother asking the federal courts for help, because the Constitution doesn't protect against "mistakes."

Of course, not every Burger Court opinion has restricted access to the federal courts or undercut the Constitution. The Court has actually expanded constitutional protection for women. Since 1971, the Court has rejected the traditional notion that sex discrimination was tolerable so long as it was "reasonable." The most recent Burger Court decisions provide that gender-based distinctions are constitutional only if they establish "important" government objectives and further those objectives in "substantial," not merely reasonable, ways. The Court has even ruled that laws granting women special compensatory treatment for past economic discrimination are constitutional. While the gains women have made in the courts in the brief span of six years have often been dramatic, other minorities—those that do not cut across racial, social, and economic lines—remain locked in a continuing, often bitter legal struggle for rightful treatment. Their marginal position in American society is underscored by the quick successes of the women's movement and demonstrates their abiding need for the constitutional protection increasingly being denied them by the Burger Court.

On the whole, the decisions of the Burger Court unmistakably suggest an underlying ideology similar to that of Richard Nixon, who placed Chief Justice Burger and Justices Powell, Rehnquist, and Blackmun on the Supreme Court. Nixon said he was a "strict constructionist." Later, Nixon proved he loathed the Constitution. Nixon never believed government should be accountable to the people, which is the core of the Constitution. When he was served with a subpoena by the Watergate special prosecutor in April 1974 and ordered to release certain of the White House tapes Nixon said, "No." He argued that the courts had no power over him; that as President he had an absolute, unqualified privilege of immunity from judicial process under all circumstances. Ironically, he lost the fight over the tapes because even "his" Court, the Burger Court, finally couldn't swallow the argument that a President was entirely "above the law."

Nixon has never recanted his contempt for the courts or his distrust and suspicion of "due process," "equal protection," freedom from "unreasonable searches and seizures," or the other guarantees in the Constitution. It is the Burger Court's perpetuation of Nixon's outlook that is today compromising our judicial system at the highest levels.

As things are now developing, Burger Court decisions will mean a reduction in constitutional protection, and in freedom, for all of us. There will be less protection from police abuse and less free speech, less protection from consumer fraud and less fairness in the administration of the criminal laws. There will be more repression in the administration of archaic sex laws, more invasion of privacy, and more discrimination against the poor and other minorities.

All of our freedoms will be diminished, and as the Constitution begins to atrophy through lack of enforcement, increased constitutional violations will be encouraged and will occur. Our institutions of government will become more and more prone to abuse and less and less reliable. There will be an ever increasing, palpable deterioration in the quality of American democracy and in American life. ◉

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Dennis Brack/Black Star

A Peculiar Sense of Justice

When Warren Burger speaks, felons quake and the faithful praise the Lord

by Nathan Lewin

WHEN Warren Burger came before the Senate for confirmation as Chief Justice in June 1969, the late Everett Dirksen said of him that "he looks like a Chief Justice, he speaks like a Chief Justice, and he acts like a Chief Justice." Appearance and impression probably expedited the Senate's approval (which was granted in less than three weeks), but the nominee was far from a closed book to the Congress. Burger had served for more than 13 years on the United States Court of Appeals for the District of Columbia —a unique federal appellate court because it then had jurisdiction over all serious criminal offenses committed in Washington, D. C. A separate local court system has, by this date, been given the exclusive authority to try local crimes. But when Warren Burger was judge, every armed robbery, serious assault, or auto theft committed in the nation's capital was tried in a United States district court, and appeals would be taken to the court on which the future Chief Justice sat. The Senate knew where he stood, particularly on the law-and-order controversies that had engulfed the Warren Court and had become issues in the presidential campaign of 1968. Senator Strom Thurmond observed thankfully that the nominee did not show "excessive concern for the rights of criminals," and only three senators opposed his nomination.

In the seven terms of the Court since he was sworn in as Chief Justice, Warren Burger has continued to look, speak, and act like a Chief Justice. He presides over Court sessions like a stern schoolmaster, with an air that is both regal and solemn. In this respect, Burger reminds an observer of his predecessor, Earl Warren, who also seemed taller and more erect than the eight Associate Justices who surrounded him and who was able, with silver hair and judicious demeanor like Burger's, to command respect from all in the courtroom.

Warren Burger has taken more pains than did Earl Warren, however, to improve the Court's appearance so as to make it look, speak, and act like the highest judicial body in the land. The Supreme Court Building has been given a thorough overhaul. The Justices' chambers have been enlarged to take up virtually the whole first floor; the Justices' bench has been reshaped to eliminate the row of privileged correspondents that separated the Court from the advocates who appeared before it; the courtroom's lofty ceiling has finally been repainted and regilded; and the previously bare halls have been stocked with Supreme Court memorabilia and exhibits to inspire and educate visiting tourists. There is almost no part of the physical plant that has escaped the improver's touch. The public cafeteria has been modernized and augmented with a snack bar; the Court clerk's office has been moved, reorganized, and expanded; and even the underutilized fourth-floor library—surely one of the world's most silent retreats—is now undergoing renovation and rearrangement. All that remains secure are the oversize public lavatories and the enormous telephone booths with sliding wood-and-glass doors, hidden away at the rear of the building's ground floor.

There was a good-natured flabbiness to the procedures of Earl Warren's Court that is not tolerated in Warren Burger's. Time was wasted by the old Court on ceremony that was meaningless to anyone but the participants. Earl Warren enjoyed greeting new members of the Supreme Court bar who were sponsored for admission by senators or congressmen or other elder attorneys, and between five and fifty minutes might be spent during each of the Court's public sessions on this courtly practice. Soon after Chief Justice Burger took over, the routine was changed, and most lawyers now receive their licenses by mail.

The Warren Court also frittered away its time in public announcements of decisions and dissents by the individual Justices. Since there is no advance word that any particular case will be decided on any particular day, the announce-

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Justice Rehnquist's "Unappealing Guides to Action"

The following is taken from a Harvard Law Review *article by David L. Shapiro of the Harvard Law School faculty.*

A REVIEW of all the cases in which Justice Rehnquist has taken part indicates that his votes are guided by three basic propositions:

(1) Conflicts between an individual and the government should, whenever possible, be resolved against the individual;

(2) Conflicts between state and federal authority, whether on an executive, legislative, or judicial level, should, whenever possible, be resolved in favor of the states; and

(3) Questions of the exercise of federal jurisdiction, whether on the district court, appellate court, or Supreme Court level, should, whenever possible, be resolved against such exercise. . . .

I find [these propositions] unappealing guides to action: the first because I see as critical the role of the Supreme Court as guardian of the individual against encroachments by government; the second because many federal–state conflicts are best left to the political arena, where the contestants are well-matched, and because many present-day problems cry out for national solutions; and the third because both the authority granted by the Constitution and the jurisdiction conferred by post-Civil War acts of Congress vest the federal courts with responsibility for the resolution of federal questions and the vindication of federal rights. I do not for a moment suggest disagreement with all of Justice Rehnquist's votes that accord with the three propositions; I simply would not adopt those propositions as decisive guides were I sitting on the federal bench. . . .

My major purpose here is to consider the impact of Justice Rehnquist's adherence to these propositions on his work as a judge. At the outset, I should emphasize that many of his opinions that are consistent with the propositions seem to me extremely able, articulate, careful, and persuasive, whether one ultimately agrees with them or not. Too often, though, unyielding insistence on a particular result appears to have contributed to a wide discrepancy between theory and practice in matters of constitutional interpretation, to unwarranted relinquishment of federal responsibilities and deference to state law and institutions, to tacit abandonment of evolving protections of liberty and property, to sacrifice of craftsmanship, and to distortion of precedent.

It is important to note that other Justices whose place in the history of the Court is generally recognized and secure may be subject to criticisms similar to those made here. But I am persuaded that in the respects described, Justice Rehnquist's performance has been markedly below his own substantial capabilities and has in large part been attributable to the inflexibility of his ideological commitments. ◉

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ment of results in open court is made to the audience that has fortuitously shown up on that occasion to hear whatever the Court may have to say. The Warren Court's Justices appeared to enjoy debating with each other—sometimes with sharp extemporaneous exchange—to this accidental conglomeration of listeners. Chief Justice Burger instituted the practice of perfunctory oral announcements, which leaves the press with the job of reading, and trying to comprehend, the Court's decisions. To make the rulings understandable, however, the Burger Court begins each published decision with a brief explanatory summary, called a "syllabus," prepared by the official Court reporter for the edification of the unlearned and impatient. And the Court's past is studied, analyzed, and publicized under the auspices of the Supreme Court Historical Society—a body that owes its existence to the organizational talents of the present Chief Justice.

WARREN BURGER has also taken much more seriously than his predecessor his role as Chief Justice of the *United States*. In 1970, he initiated an annual "State of the Judiciary" message, which he delivers to the American Bar Association's convention each spring. These reports now consist principally of a catalog of administrative accomplishments—such as statistics proving that the efficiency of the federal courts has been improved by new management techniques attributable to the Institute for Court Management, which Burger proposed and developed—and exhortations for legislation that will enable the courts to do even better. Last year, for example, the Chief Justice urged that laws assigning special three-judge courts for certain cases and granting immediate appeal to the Supreme Court be amended to reduce the burden on the lower courts and on the Supreme Court. By the end of 1976, the requested changes had been made. Other amendments he has suggested—among which is the perennial request for more federal judges—are slower in coming, but the Chief Justice is not reluctant to let his views on these subjects be known. He has loudly stated his support for various proposals that would establish an intermediate federal appellate court immediately below the Supreme Court, and he has vigorously advocated that the federal courts be relieved of having to hear cases where the only federal interest is that they involve citizens of different states.

The Chief Justice's judicial philosophy is related to these organizational interests. Since he believes that the courts are overworked, he is unwilling to expand their jurisdiction into new areas or to enlarge, beyond what is absolutely necessary, the number of groups that may demand the aid of a court. Lawyers' concepts such as "standing" or "ripeness" or "mootness" are invoked to limit or deny access to the judicial system. The single dominant chord struck by the Burger Court in recent years has been the diminished availability of courts, and the American Civil Liberties Union's overriding objection to the record of the Burger Court pertains to this aspect of its work.

With a few exceptions, however, the decisions closing the doors of federal courts to litigants who might raise new questions of individual liberty have not been written by Chief Justice Burger. It is hard to know how influential he has been in moving the rest of the Court in that direction—although his administrative pronouncements disclose that

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the goal of reduced access is one he would gladly embrace. His judicial opinions have left a particular impression in three other areas. In two of those areas he differs markedly from his predecessor, while in the third their views are closer than might initially be believed.

The most important area of disagreement is criminal law and procedure, where the opinions of Burger and Warren as to the Supreme Court's duty are as opposite as opinions can be. It was unpleasant business to represent the government in a criminal case that came before the Warren Court. The Chief Justice would glower from the bench whenever it appeared during oral argument that a policeman or prosecutor had cut a corner, and he would then mercilessly interrogate the government lawyer. Archibald Cox, who was in that position many times during his tenure as Solicitor General in the Kennedy administration, has recalled "Chief Justice Warren's persistent questions, 'Is that fair?' or 'Is that what America stands for?' "

Chief Justice Burger's view is that the means of investigating and prosecuting crime are less important than the ends of apprehending and jailing criminals. In late March of this year, to the surprise of those attending Court on an otherwise ordinary Wednesday, Burger departed from the routine announcement procedure to read extensively from his dissenting opinion in an Iowa case. The question on which the case turned was whether a suspect in the murder of a ten-year-old girl had voluntarily spoken to the police and directed them to his victim's body when he was questioned during a ride he took in police custody from Davenport to Des Moines. The suspect had been given the warnings required by the Supreme Court decision in *Miranda* v. *Arizona*, and he had consulted a lawyer appointed for him. The lawyer had told him not to answer any questions during the ride back to Des Moines and had received an assurance from the police that there would be no interrogation.

Five Justices on the Court (including Justice Powell, with whom Burger agrees between 80 and 85 percent of the

Dark Doings Among the Judges

by John P. MacKenzie

"SUNLIGHT," said Justice Louis D. Brandeis, "is the best of all disinfectants." Yet one enormously influential body of high-level jurists, the Judicial Conference of the United States, has been meeting in the dark for so many decades that by now one almost hesitates to throw its proceedings open to the cleansing sunlight and fresh air.

Twice a year, this government-financed body meets secretly in a large, rarely used room in the cavernous Supreme Court Building—that awesome edifice in which even the great Brandeis said he felt uncomfortable, and where, Justice Harlan Fiske Stone complained, the Justices perch like "nine black beetles in the temple of Karnak."

But why should the public care about this secret society of a few dozen eminent judges? Why not just let the judicial "beetles" doze away on their perches, safe from the glare of publicity?

The answer is that, whatever its original intended functions, this conference of respected jurists, chaired and guided by Chief Justice Warren Burger, has slowly become a secret lobby, a powerful policy-shaping instrument that is in no way accountable for its often questionable actions.

Not content with lobbying for higher salaries for judges (a perhaps understandable preoccupation), the group has lately gone on to influencing congressional deliberations on wiretap legislation and similar key policy matters. As things stand, the Judicial Conference is fast becoming a secret governmental force to be reckoned with.

Both the conference and the edifice in which it meets are monuments to William Howard Taft, who was Chief Justice from 1921 until he died in 1930, too soon to see the shrine built, but not too soon to launch the judicial organization and become its first presiding officer. Taft was an activist Chief Justice, though an advocate of what is called "judicial restraint" in deciding whether courts should intervene in any but the most conventional kinds of legal disputes. Until recently, Taft was probably the undisputed titleholder of "foremost empire builder" in American judicial history since the Founding Fathers. A modern challenger is the current and fifteenth Chief Justice, Warren E. Burger, whose designs for a more "efficient" and less activist federal bench often are first aired—if that word can be applied to the hermetically sealed meetings—before the U.S. Judicial Conference.

Chief Justices have many collateral duties thrust upon them, but Burger, who has sought and gained more renown as a judicial administrator than as a jurist, has accepted the conference chairmanship with gusto and spends long hours on its work. The members (11 chief judges of the regional U.S. courts of appeals, 11 federal district judges elected by their peers from those same regions, and representatives from claims and patents courts) often are no match for a well-prepared presiding officer, even if the judges were inclined to resist his leadership.

What does the conference actually do? An attempt to help outsiders find out was quietly launched a few years ago —and just as quietly buried last year. James E. Doyle, a U.S. district judge in Madison, Wisconsin, advanced the modest proposal that the conference meetings be thrown open to the public. He told his colleagues that after attending a number of these meetings as a conference member, he couldn't think of any discussion he had heard that couldn't have been held in the open. His proposal was drowned in apathy and opposition led by Burger. The subject itself became classified. Burger refused to discuss the details. Terrified staff members, taking that cue, were struck dumb when questioned. Judge Doyle himself found the topic too hot to talk about. "No comment," he replied to inquiries.

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"There was a good-natured flabbiness to the procedures of Earl Warren's Court that is not tolerated in Warren Burger's."

time) concluded that the police officers were questioning the suspect during the ride in violation of their agreement, and that the answers obtained were involuntary under the *Miranda* rule. They said that any information obtained as a result of the interrogation, including testimony concerning the finding of the body, could not be offered in evidence. The Chief Justice delivered a passionate dissent, which began: "The result reached by the Court in this case ought to be intolerable in any society which purports to call itself an organized society."

These fighting words led some observers who were present in the courtroom to ascribe greater significance to the majority's ruling than it deserved. The next day's headlines in several major national newspapers made it appear as if the Court had considered repudiating the *Miranda* rules and had, by one slim vote, refused to do so. In fact, the *Miranda* rules were not themselves under attack. What Chief Justice Burger did challenge on this occasion, as he had vociferously done twice before, was the "exclusionary rule," under which any evidence that is obtained by police misconduct may not be used in a criminal trial.

THE basic issue of legal and constitutional policy here is open to question. If the police violate a suspect's constitutional rights and as a result of that violation obtain evidence that is truthful and reliable, should the evidence be usable against the suspect? On one side of the argument is the proposition that all evidence relating to an accused's guilt or innocence should be considered, no mat-

Was he the initiator of such a proposal? "No comment on that either," he answered.

The closest to a reasonable explanation was an off-the-cuff remark by Burger to a group of news reporters. Asked what prevented the opening of the conference to the public, he replied, "Would you open up the editorial conference of your newspaper to all members of the public?" The questioner protested that the press was not part of the government (and thus not bound to do what the Constitution might require of government institutions). "Oh, you're *not* government?" Burger quipped. "I thought you were the fourth branch of government." It was reminiscent of Burger's frequent comments from the bench during a recent series of First Amendment cases. He never tired of noting the irony that the press was seeking confidentiality for its informants but was unwilling to let the government take "effective steps" to protect *its* secrets from the prying press.

WHETHER or not the press can be likened to government, there's little doubt that the Judicial Conference performs important governmental tasks—judicial, legislative, and executive. It has come a long way since 1922, when Congress heeded Taft's call for a body to cope with case-load arrears and possibly do something about the disparity among courts in their sentencing of convicted criminals. Those two problems remain as baffling as ever, but the conference has branched out into other fields. One is lobbying, and not just for higher federal-court payrolls. One recalcitrant congressman predicted early that the conference would become "a legally constituted and publicly financed propaganda organization on behalf of the federal judiciary." His predictions have been borne out several times.

One notable instance occurred in 1967, when the conference, then led by the late Chief Justice Earl Warren, voted to volunteer its views to Congress on the wisdom of then pending wiretap bills. It was an odd stance, one that came to light only in the fine print of the conference's report and the satisfied reactions of wiretap advocates. The conference, with its roster of senior and prominent jurists, could be expected to properly comment on the practicality of specific provisions in a bill, but this body went beyond that: it chose a pro-tap bill in preference to a bill banning all wiretapping, and it favored a bill that was clearly unconstitutional under existing Supreme Court precedents. Activists and advocates of judicial restraint alike let the resolution pass, since there was no recorded dissent. Subsequent inquiries by several members of the Judicial Conference as to what had happened yielded the inescapable conclusion that many of them had no idea of what they had done.

Chief Justice Warren and Chief Justice Burger have inspired many studies in contrast, but they are alike in their passion for conference secrecy. Congress could cool that passion by bringing the conference under the lash of disclosure and public access now required of government advisory committees and agencies by the Freedom of Information Act. The judicial branch is not covered by the information law—indeed, the alarming fact is that these same secretive jurists are the ones with power to say what that law means—but there is little reason to exempt the conference, especially when it is not performing strictly judicial work.

That was the view of former senator Sam J. Ervin, Jr. (D-N.C.). Like many other lawmakers, Ervin found other fields to conquer than the Judicial Conference. But he said this in 1970:

"They certainly do not act as judges when they vote to approve or disapprove of pending legislation, or adopt rules of financial disclosure for their colleagues. Why, then, should the conference meet in secret? I believe that when judges act as policy makers and lobbyists, it follows that their discussions should be public. If the conference supports or opposes a bill, the Congress and the public should have free access to the conference's debate on that proposal. The Congress should know how carefully the Judicial Conference researches its positions so that it can attach relative weights to them." ◉

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ter how it has been obtained. Benjamin Cardozo, no mean liberal, supported that position while he was a judge on New York State's highest court. If illegally obtained evidence were not usable, he said, it would mean that "the criminal is to go free because the constable has blundered."

On the other side, however, stands Felix Frankfurter's classic observation that "the history of liberty has largely been the history of observance of procedural safeguards." Applying this principle, Frankfurter believed that the "civilized conduct of criminal trials" and "a decent regard for the duty of courts as agencies of justice and custodians of liberty" should forbid judges from sending people to jail for having committed crimes when evidence used against them has been obtained in violation of law. And in a more practical vein, judges have come to recognize that the best way to keep police from overstepping constitutional bounds is to deprive them of the incentive to do so. If a police officer is told that the evidence he gets by violating a constitutional right can never be of any use (and may, in fact, make successful prosecution of a suspect even more difficult), he will have little motive to take unlawful action.

While he was still a judge on the federal court of appeals, Burger repeatedly expressed the view that the almost exclusive objective of the criminal law in an "organized society" should be to convict the guilty and acquit the innocent. When judges concentrate on procedural technicalities, he said, they substitute for the issue of guilt or innocence "myriad rules, subrules, variations, and exceptions which even the most alert and sophisticated lawyers and judges are taxed to follow." He questioned whether the "adversary system," which pits courtroom advocates of extreme positions against each other, did not put "all the emphasis on techniques, devices, mechanisms," and thus result in "a society incapable of defending itself—the impotent society."

A SECOND subject on which Chief Justice Burger disagrees with his predecessor and on which he undertook to speak for the Court until his views were overridden by a Court majority is the subject of religious freedom. Early in his tenure he wrote an opinion in a case challenging the constitutionality of churches' property-tax exemptions, in which he developed the concept of "benevolent neutrality" toward religion. In a later case involving the constitutional right of the Old Order Amish to be excused from compulsory post-elementary schooling, he applied the theory of benevolent neutrality to require an exception for the small minority sect. The Amish, he noted, are law-abiding and self-sustaining. In language that would do any liberal proud, he said: "There can be no assumption that today's majority is 'right' and the Amish and others like them are 'wrong.' A way of life that is odd or even erratic but interferes with no rights or interests of others is not to be condemned because it is different."

Aid-to-parochial-school cases present a different aspect of the problem of religious minorities. Although there are dangers in permitting government assistance to religious schools, the financial burden of the devout—who must pay school taxes while at the same time bearing tuition costs for their children's education at religious schools—cannot be ignored. The Chief Justice, speaking for a Court majority, rejected the first plans, which provided for direct state payments to private schools or teachers, but he sympathized with the position of religious minorities and would have allowed financial aid given as "child benefits" if payments or tax credits went directly to the parents.

Earl Warren, on the other hand, was a strict separationist in the Religion Clause area, and he gave short shrift to the needs of religious minorities. In upholding the constitutionality of "Sunday laws," the former Chief Justice rejected the arguments of Sabbath-observers whose religious convictions might force them to surrender their livelihoods.

In the third area, where religious morality and crime coalesce, the views of Burger and Warren are not fundamentally different. Chief Justice Burger is known for his 1973 opinions setting new standards for the prosecution of those producing or selling obscenity. Earl Warren had no more sympathy for individuals "in the business of purveying textual or graphic matter openly advertised to appeal to the erotic interest of their customers." A more liberal general philosophy regarding the reach of the First Amendment's protection for free speech impelled the former Chief Justice to join reluctantly, on occasion, with findings that a particular work could not be banned. But one suspects that if Earl Warren could have had his way, he would have locked up the pornographers with the same zeal that Warren Burger has shown. ◉

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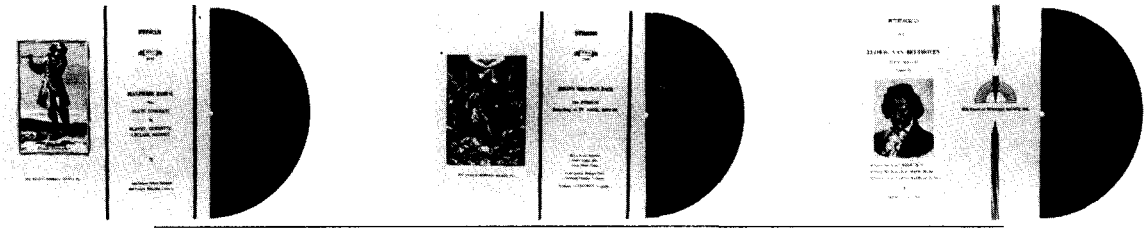

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When Giants Walked the Land

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Harcourt Brace Jovanovich, 320 pp., $10

Reviewed by Bruce Cook

ALTHOUGH her work has appeared over a period of four decades, Diana Trilling is hardly a writer with a large public. To a certain readership, so loyal and intense one is almost tempted to call it a constituency, she is very well known indeed. These readers are the survivors and enthusiasts of the late great literary wars of New York, in which battles were fought across Marxist sectarian lines and the opposing armies were often divided not so much by the degree of their sympathy for the Communist party as by the specifics of when and to what degree individual combatants had broken with it. This was a time, as we all know, when giants walked the land—that is, when they were not pounding away on their giant typewriters, knocking out giant pieces for the *Partisan Review*. In time these writers for *PR*, most of whom were independent Marxist or Trotskyist in political orientation and had gradually softened into so-called liberal anti-Communists, came to dominate the New York literary scene completely. They were tough, demanding, rigorous critics who set such high intellectual standards that together they may well have made the most significant contribution to American culture of any group since Emerson's Concord circle in the 1850s.

The *Partisan Review* crowd included such illustrious names as Philip Rahv, the magazine's cofounder, Alfred Kazin, Dwight Macdonald, Mary McCarthy, Irving Howe, and of course the most illustrious of them all, Lionel Trilling. Diana Trilling was his wife and is now his widow. Her association with the rest, even when most active, seems always to have been through him. She was more or less an auxiliary member of the group, one related to the Family (as it came to be known) by marriage—an in-law, as it were. She gained a reputation as a literary critic from her reviews in *The Nation* during and just after the war. Subsequently, she continued to write reviews and literary essays occasionally, and edited two D. H. Lawrence anthologies. By the time her earlier collection, *Claremont Essays*, was issued, however, she had begun to turn away from literature in favor of social subjects, though seldom with very successful results. She had a way of accepting official reports and approved versions quite unquestioningly, which, for me at least, made worthless her essays on the Profumo, Hiss, and Oppenheimer cases in that collection. I may be gifted with hindsight in this, for I read them long after they were first published, but it certainly seems they would have been improved, if greatly altered, by a little healthy skepticism. The social critic's job is to challenge, not to accept.

Social concerns so dominate this second collection, *We Must March My Darlings*, that only three short pieces in it could be considered literary; and they, only marginally. The rest have to do with such determinedly large subjects as the assassination of President Kennedy, women's liberation, and the youth revolution of the Sixties.

Bruce Cook is the author of The Beat Generation *and* Dalton Trumbo.

Talking with Diana Trilling

SINCE the recent death of her husband, Lionel, Diana Trilling has continued to live in the spacious, comfortable apartment just around the corner from Columbia University, where at one terrible time, as she recounts in *We Must March My Darlings*, she anxiously awaited an onslaught from neighboring Harlem that would never come. But as she freely admits, "I've never been in the business of prophecy," and at the time of the event, the student take-over of Columbia in the spring of 1968, it seemed certain that the center could not hold, and that the world of liberal culture must be coming apart.

Mrs. Trilling's latest collection of essays—ranging as they do from a panegyric to Kennedy ("It's always astonishing to me how abruptly the attitudes in the intellectual community change; one minute *The New York Review of Books* was devoting a memorial issue to him, a year later he was anathema") to the social and sexual adjustments of the students at Radcliffe, her alma mater, at the beginning of the 1970s—spans a decade of bewildering transformations. It was a time, she says, when what she calls "the movements of the culture" were so rapid and fleeting that they seemed to far outpace the normal progression by which a society grows and changes. And although the campuses, and the American political scene in general, seem now to have settled into a mood of deep quietism, "it wouldn't surprise me in the slightest to hear this minute that a new large-scale anarchic sit-in was under way around the corner." Contemporary historical developments, as she stresses in the introduction to her book, "don't last for two minutes," nor do human attitudes. "In my long lifetime I've been fascinated by the process by which people seem able to completely alter their political views overnight, from left-wing radical to Republican, say, without ever seeming to feel called upon to explain the process by which they got from point A to point B." As a prime example she cites Garry Wills, a former writer for the *National Review*, who more recently wrote an introduction to Lillian Hellman's *Scoundrel Time* in which, she says, he castigated the very positions he had once stoutly maintained.

Mrs. Trilling is still faintly bemused by the extent of the brouhaha set off when Little, Brown, the original publishers of *We Must March My Darlings*, declined to publish the book because of critical references in it to Miss Hellman. Those references are there, unexpurgated, in the present edition, and seem hardly strong enough to justify such action. "Lillian said at the time she didn't know what was in

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She worries away at them in the humorless, somewhat imperious style of a woman who is used to holding forth at dinner parties, going on and on, never using a sentence where a paragraph might possibly do.

Those who hope to find in this new book by Mrs. Trilling some especially juicy bits on Lillian Hellman, or perhaps the inside story on the attempt by Little, Brown to suppress passages in the text [see the box below], are probably going to be disappointed. She does deal with this controversy, but only in a brief introduction and assorted footnotes to a revised essay originally written for a 1967 *Commentary* symposium, "Liberal Anti-Communism Revisited." The Little, Brown affair was given more extensive treatment in *The New York Times*, and, judging from Mrs. Trilling's version, it was reported quite accurately. The important additions supplied here, of course, are the passages that the publisher tried to censor. They are mild enough and only seriously in error in their assumption that Miss Hellman's short and very personal book would be taken as a definitive history of the McCarthy period. How could Mrs. Trilling think that? Best-seller envy, I suppose.

THE truly startling thing that comes through in this essay has to do with the CIA's international support of anti-Communist intellectuals through its front organization, the Congress for Cultural Freedom. Mrs. Trilling was on the board of the American Committee for Cultural Freedom, an affiliate of the congress. In a passage added to the original 1967 essay, she says very plainly, "Even before I came onto the executive board of the American Committee, I was aware, and it was my clear impression that everyone else on the board was aware, that the international body with which we were associated was probably funded by the gov-

Jill Krementz

Diana Trilling—"Convinced of the possibilities for human progress."

the book," Mrs. Trilling comments sharply, "and I believe her. But I didn't hear any protest from her when the publishers decided to censor my book, all the same." One more unhappy aftermath of that story that Mrs. Trilling would like to clear up: she had almost agreed to appear on William Buckley's television show, *Firing Line*, to discuss not any individual, but liberal anti-Communism in general, provided she had a chance to see the questions in advance. She heard nothing more about it for a time. Then, after Buckley had published his long and scathing review of Miss Hellman's book, titled "Who Is the Ugliest of Them All?" his TV people, having apparently accepted Mrs. Trilling's terms, phoned to arrange for her appearance. "But this time I refused because I felt that in titling his review as he had, Mr. Buckley had reduced political polemic to personal insult."

THE Trillings' position of liberal anti-Communism, she finds, is harder and harder to maintain today. "A writer like George Orwell, who to my mind was one of the greatest and most clear-sighted of this century, is completely out of intellectual favor now." Writers and artists who were once only too glad of (and, she avers, well aware of) clandestine support from CIA funds are now vociferous in their disapproval of it.

Many of Mrs. Trilling's attitudes, she fully realizes, are far from fashionable, though once they seemed humane and eminently reasonable to many. She feels, for instance, that "militant lesbianism" has taken over the feminist movement, and blames Masters and Johnson and their teaching in considerable part for it. "No one can begin to say the harm they have done, and I don't see anyone even trying." As for making a college like Radcliffe coeducational, "It once seemed to many of us a proud thing to have a great women's college."

She finds she does not read much contemporary fiction anymore, though for ten years (1940 to 1950) she was fiction editor of *The Nation*. "I still read Mailer, Bellow, and Nabokov, but that's about all. I'm not really a literary person; I'm a political and sociological person. I haven't done a literary essay in ten years, and I don't think I'd even know where to publish one anymore. Where would one publish an essay today on George Eliot, Stendhal, *Madame Bovary*, or *Anna Karenina*?" she asks. "I've always wanted to write about Jane Welch Carlyle—but who would want that?"

She is working on a new book—*not* a further essay collection—about which she will say nothing more. "But there's such an enormous amount to do after Lionel's death—putting his papers in order, looking at the unpublished material, writing letters. . . ." The Seventies, compared with the Sixties, seem barren of interest to her as material on which to think and write. "What would I write about now? I suppose you could look at these big new sections in *The New York Times*, what they mean in terms of an obsession with consumption; you could talk about the passion for British class dramas on TV, about the cultural influence of women's clothes, perhaps about the strange reactions of audiences at movies. But none of these things seems to be central to the decade in the way that the assassinations, the university riots, the drug scene, were in the Sixties."

But as an old-style liberal convinced, despite frequent evidence to the contrary, of the possibilities for human progress, Mrs. Trilling has a line from her new book that she would be pleased to see taken as the essence of her thinking: "How to activate decency and teach it to stop feeling deficient because of its low quotient of drama is obviously one of the urgent problems of modern society."

—JOHN FIRTH

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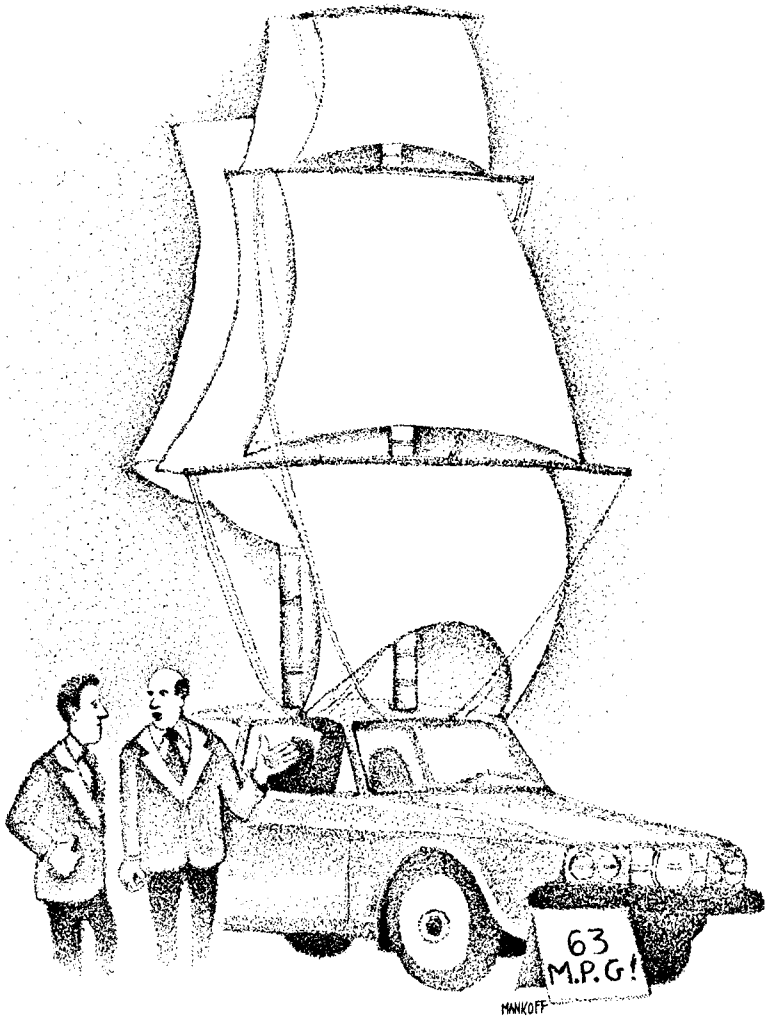
ernment." She goes on to say what nobody until now has admitted: "We strongly suspected that the Farfield Foundation, which we were told supported the congress, was a filter for State Department or CIA money." On one occasion, when the committee found itself in a financial crisis, Norman Thomas, also a board member, announced at a meeting that he would "call Allen" (Dulles, presumably). He returned a few minutes later and told them their problems had been solved.

I find this shocking. Did the American Committee really think that cultural freedom could be bought and paid for with CIA money? Were people as intelligent as Norman Thomas and Diana Trilling so ignorant of the quid pro quo of politics that they believed money was given by the government with no strings attached? The fact that no pressure was brought to bear on the committee or the Congress for Cultural Freedom does not prove, as Mrs. Trilling seems to think it does, that the government in general and the CIA in particular were more disposed to benignity and openhandedness "in the mid-Fifties and into the Kennedy years." It simply means that during those years the anti-Communist liberal intellectuals who made up the membership of the American Committee did nothing at all to displease their benefactors.

In fact, this attitude of accommodation toward institutional authority, this steady identification with the established order, is the one quality that runs most consistently through the essays in this book. What you get from Diana Trilling is seldom a fresh point of view on a subject, or a radical interpretation of an objective set of facts, but rather a vigorous statement of the predictable neoconservative response. She has a way of casting herself in the role of one of the older generation sitting in judgment on the younger. That, certainly, is what she is up to in such essays as "Celebrating with Dr. Leary," in which she examines the religious pretensions of the drug culture; "On the Steps of Low Library," her report on the student take-over of Columbia; and "We Must March My Darlings," her look at Radcliffe following its merger with Harvard. Although in the title essay she makes a great display of open-mindedness in her interviews and shows restraint in her comments, there is little doubt from the start what sort of verdict she will hand down. As for the others, well, what chance would you give Timothy Leary and Mark Rudd before such a hanging judge? Exactly.

The only occasions on which she shows a degree of sympathy with the forces of social revolt occur when she writes of women's liberation. In fact, she speaks of herself as "an old-line feminist." Well, perhaps. She certainly takes Freud to task for his condescension toward women. And Norman Mailer's *The Prisoner of Sex* is given stern treatment in a symposium speech for its obtuse, if poetic, endorsement of biological determinism. However, her attitude—and she communicates it most clearly in "We Must March My Darlings"—seems to be that the real battles of liberation and sexual independence were fought, after all, by her generation, and specifically by women such as herself. This decade's feminists are mere pygmies standing on the shoulders of giants.

Isn't that the way it seems to each successive older generation: If it weren't for us, where would you be? Thus Diana Trilling once again lines up against the young, undercutting them as she offers her support. As in all the rest of these essays, what is most clearly in evidence here is the hectoring tone, the purse-lipped disapproval, the mother-in-law sensibility. Nobody really expects social critics to solve the problems they address. They should, however, do more than nag at them. ◉



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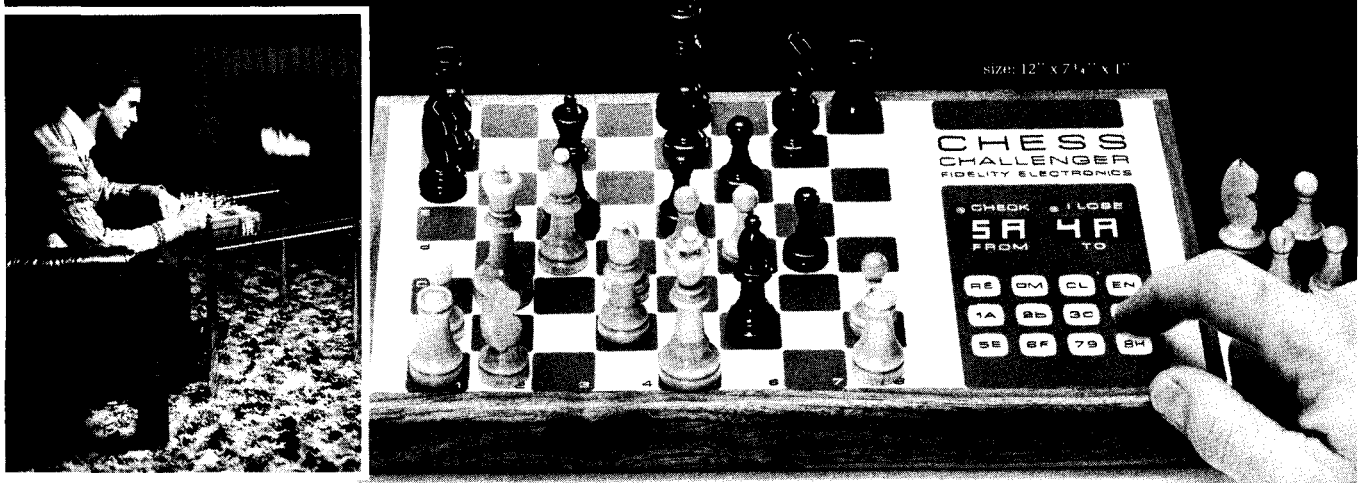

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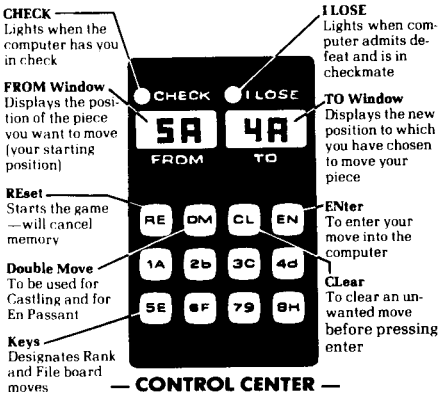

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Skin Deep in the Sixties

Loose Change:
Three Women of the Sixties
by Sara Davidson
Doubleday, 384 pp., $9.50

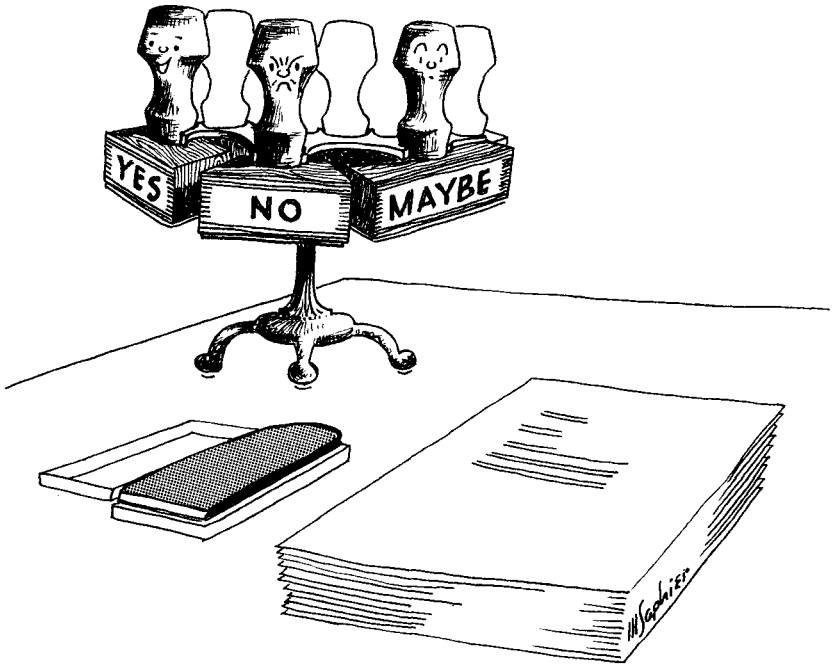
Reviewed by Lucinda Franks

SARA DAVIDSON'S book is like a loaf that has been taken out of the oven too soon—crisp and brown on the outside, rather runny and shapeless within. The social revolution of the Sixties was a crashing sequence of events whose mysteries we may never be able to divine. Certainly it will take years before we can uncover its various layers—before we can separate the significant from the meaningless, the successes from the failures—and truly discover what it meant when an entire generation turned its back on society and became convinced it could reverse the course of history.

Davidson's attempt to make sense of it all is fraught with pitfalls from the start. She takes three women who entered the University of California, Berkeley, in 1960 and follows their tracks until 1972, believing that by "tracing their journeys, I might piece together a social history of the Sixties." This is a bit like trying to write a history of the Civil War by tracing the conflict's impact on the lives of three southern gentlewomen in Richmond. In Davidson's account, then, many of the main thrusts of the Sixties are simply ignored or glossed over: the civil rights movement, the black power movement, the draft resisters and deserters who went into exile, to name just a few.

The story begins with three Berkeley sophomores—they are Sara Davidson herself and two others whose names have been changed—who meet in 1961 as pledges to Alpha Epsilon Phi sorority, all of them in a giddy "state of grace" at having been accepted. They are a rather fluffy trio during their undergraduate years: their lives defined mostly by men; their minds monopolized by the halting discovery of sex.

They split apart after graduation, and the reader becomes entangled in their struggles to find satisfying emotional and sexual relationships and to shape themselves into independent women. Sara goes to journalism school at Columbia, becomes a reporter for the *Boston Globe*, drifts in and out of affairs, gets married, and builds a reputation as a cynical, witty chronicler of the youth revolution. She finally becomes skeptical of her own skepticism and converts to the spiritual teachings of Ram Dass. Natasha Taylor, the roommate with infuriatingly beautiful golden hair, gets fed up with the "jungle" of Berkeley and the neurotic hold that a two-timing lover has on her, heads for New York, immerses herself in the madly exploding art world, becomes a successful art dealer, and once again falls under the hypnotic spell of an unsuitable mate. Susie Berman takes a very different path, marrying a fiery radical activist, living in the thick of the revolution, then dropping out to wander from commune to commune to find out who she really is.



DAVIDSON'S chapter titles forecast the depth to which she will penetrate her subject: "Blowing in the Wind," "Dawning of the Age," "Fighting in the Street," "The Day the Music Died." Moreover, as one begins the book, the writing itself appears to be clogged by the obvious and clumsy perception, the easy cliché. She tries to write in the colloquialism of the times: "They were supposed to go away together after the wedding but he, she, they didn't believe in all that shit. When they checked into the El Mirador Hotel, Susie felt strange and sort of shy. In her suitcase was a white nightgown her mother had bought her. She looked at it and thought, fuck, man, we don't wear pajamas in bed. But a part of her wanted to wear a lacy nightgown and be romantically initiated." You can't evoke the boredom of speech with boring writing.

Still, it is only fair to emphasize the difference in the quality of the first and second halves of the book. In the first hundred pages or so, the Sixties are made to seem silly: the passion and the struggle of the age are belittled, and the meaning of the age itself is reduced to a ridiculous simplicity. The characters are poorly drawn and given to thin, empty utterances; they seem shallow, soulless, and sometimes contemptible, as though the author felt some hostility toward them. Sara, while at journalism school, inter-

Lucinda Franks has covered the Sixties youth revolution extensively and in 1971 won a Pulitzer Prize for an investigation of the Weather Underground group.

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views an angry black playwright and then sleeps with him, marveling to herself that "I had come so far." He treats her with total disdain, and though we sense that her thrills must have been laced with guilt and shame, she never says so. In fact, she sums up the experience in a rather odd way. When he flashes across the movie screen a year later in a cheap sex-sadism film, she nudges the young man next to her: " 'That's Marcus Scott,' I said proudly. 'I know him.' "

Another passage, about Susie: "In public, she flirted and made suggestive remarks like a child saying things she knows will titillate the adults. At a formal dinner, she said to a professor who offered her a plate of Camembert, 'Doesn't the smell remind you of cum?' Jeff laughed and winked at her. Susie smiled mischievously but inside she felt a stab." And that's all.

Davidson begins to loosen up somewhat as her characters move into the second half of the decade; she gets under their skins more, the pace quickens, and we are caught up in their lives, aswirl in a cyclone of rapidly shifting events. Her style is easier, and although the writing never quite transcends the realm of the ordinary, there are some nice moments: "In her meditations she floated into regions where she lost track of time and her thoughts bled to nothingness like waves dispersing on sand." And "I wandered around Boston for the rest of the day in a very unfamiliar frame of mind. Ordinarily, everything I saw or heard came into my awareness with a judgmental tag: that face is ugly; that color is nice; that man looks interesting; that scene is scary. But this afternoon everything was coming in directly, without the tags. The people on the street, the orange sunset over the harbor, the piped Muzak in the elevator, the smell of pancakes cooking—everything simply was what it was. . . ."

THERE is no doubt that Davidson is a fine reporter: she paints a colorful era in broad, bright strokes; she has an eye for the bizarre, the ironic, the tiny detail. Her fundamental problem lies in her failure, after four years of researching and writing this book, to discover the inner logic, to analyze the meaning, of an event. There are trappings and toggery, but we get little sense of the flesh beneath. Although we are finally privy to the most intimate moments in the lives of each of the characters, participating in their despair and their ecstasy, there is a curious flatness about the women. They never develop. Rarely do they share any of

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their own self-awareness with us, and at times they seem to be gliding on an anarchic plane, unable to explain the reasons for their choices.

Perhaps Davidson's failure is the technical one of leaving too much hidden between the lines, or perhaps she lacks a grip on the deeper psychology of her characters. She misses opportunities. The Rolling Stones concert at Altamont, for instance, is recorded in detail, but she never explores why at this reversal point the generation of love and peace turned so ugly. As the collapse of the social and political revolutions becomes apparent at the end of the decade, her characters are caught up short. They are confused about the priorities of the movement; things have gotten out of control; they feel old, jaded, nostalgic. What is disturbing is not that they have no answers, but that they speak with such a flippant tone.

During a discussion with old Berkeley friends, Sara asks whether their generation had miscalculated, had perceived things wrongly. Her friend Rob has (inexplicably) a twinkle in his eye. " 'That's the lesson of revolutions—they never turn out the way you expect. That doesn't mean your perceptions were wrong. It just means. . . .' He raised his eyebrows like two peaks. 'It means things didn't turn out that way.' "

In her epilogue, Davidson herself provides the most telling clue to her book's weakness: "I'm afraid I will be criticized for copping out. . . . But the truth is, I have not found the answers and I'm not sure I remember the questions." ◉

Fraser Young
Literary Crypt No. 84

A cryptogram is writing in cipher. Every letter is part of a code that remains constant throughout the puzzle. Answer on page 52.

UXM AMWLCLRK RZ RKM DCM LQ UXM WLUMADAO MKUMA-UDLKBMKU RZ UXM KMJU.

—MBMAQRK

Books in Brief

The Wonderful Years
by Reiner Kunze
Translated by Joachim Neugroschel
George Braziller, 129 pp., $6.95

"I AM an enemy of lies." Kunze made the remark with reference to this satirically titled volume of fictionalized vignettes depicting life in his native East Germany (published last year in West Germany, where it became a best seller). It's a book of voices in everyday settings —those of young children, students, teachers, writers past and present, and of Kunze himself. Each piece, compressed like poetry and driving toward some bitterly ironic point, reflects—literally or otherwise—what one cannot doubt are East German realities.

There's a ludicrous side to a government that fears guitars, headbands, and even organ recitals, and that uses education to instill "correct" thought and behavior in its citizens; but its "mechanisms of suppression" nevertheless produce a sinister fallout: confusion and bitterness in the young and, worse, a deflection of their desire to think or to acquire responsibility. Tragedy is also in the air: one youth here, stepping out of line at high school, is expelled, but another who tries to cross to the West is caught and hangs himself.

The effects of state-sponsored mendacity are powerfully brought home in the book's final section, which features Prague in 1968, the year of its "liberation" by tanks, and includes poems that have "disappeared" from Czech anthologies.

Kunze says of one girl that she's "the fist that God brings down on her parents. But a fist that can weep." Somehow this impossible metaphor seems expressive of the whole book.

—PETER GARDNER

Sita
by Kate Millett
Farrar, Straus & Giroux, 322 pp., $10

UNLIKE *Flying*, her lamentable previous effort, Kate Millett's latest work has a genuine subject: the end of a love affair. *Sita* is a strictly autobiographical account of Millett's lesbian affair with a woman whose charms induce the author of *Sexual Politics* almost entirely to abdi-

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cate her intelligence, while Sita takes her up, juggles her for a very long time, and finally drops her.

Kate Millett has discovered the secret of telling all. It is a mixed blessing. Like *Flying*, this book is written in a style that is simultaneously telegraphic and interminable, seismographically registering every sensation that shivers through Millett's mainly unhappy consciousness. It often bores, is rarely brilliant, but is sometimes very energetic and touching. Though completely unimpressed by Millett's *thoughts* about her dilemma, I believed in the dilemma itself and felt its force and dignity.

It is unclear why so many writers who have emerged from the feminist movement are (1) mindlessly mired in an undiscriminating autobiographical mode and (2) deeply under the influence of that prime chauvinist Henry Miller. Anyway, a pattern has now plainly emerged for this branch of literature—Erica Jong, for example, bids fair to follow it to the letter. First there is the blockbuster about liberation. Then there is a book about the burdens of the fame and money produced by the first book. Then there is an unhappy third book like *Sita*, a sad study in decompression. —STEPHEN KOCH

Prophetic Waters: The River in Early American Life & Literature 1582–1730
by John Seelye
Oxford, 423 pp., $15.95

THE originality of *Prophetic Waters* lies not in what Seelye has read but in how he has read it. Treating the early documents of American exploration as literature rather than as history, he is more interested in their symbolic and mythic elements than in their literal accuracy; he locates America precisely in those passages where the early histories move from fact to fancy.

Our first explorers and settlers persisted in seeing what they wanted to see rather than what lay in their paths, and the Northwest Passage was but one of the geographic fictions running through their early maps. Starting as something unexpected and fabulous, America only slowly became aligned with actuality; it existed not in what it was but in what men found in it: "America was the greatest creation of the Renaissance, an eclectic epic in which the imposition of expectations shaped and was shaped by reality." And when the Puritans saw themselves as the tribes of Israel entering the promised

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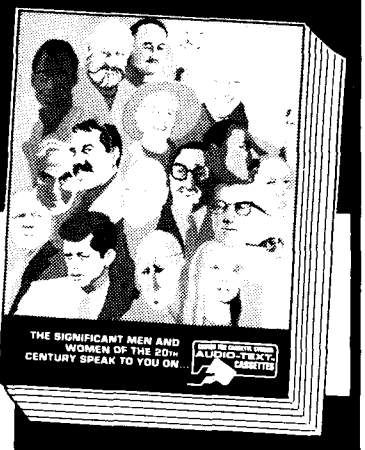

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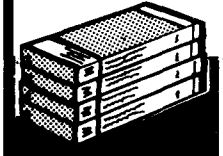

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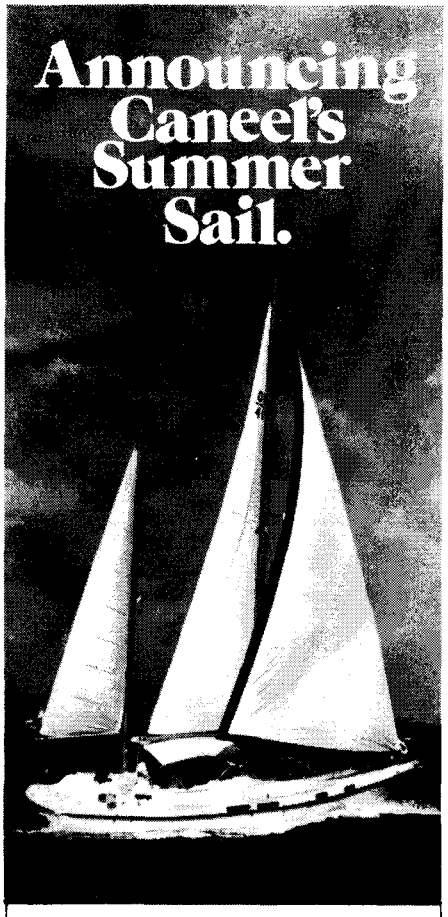

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land, they took the metaphor so seriously that it determined their pattern of settlement.

In spite of the author's immense learning, this study seems at times impressionistic, an almost personal geography of exploration concerned with pricking out the course of those rivers Seelye sees flowing from America's heart of darkness. The present volume is intended as the first of three. —CHARLES NICOL

The Sword of Shannara
by Terry Brooks
Random House, 726 pp., $12.95
Ballantine Trade Paperback, 736 pp., $6.95

OSTENSIBLY an adult fantasy, *The Sword of Shannara* may please grown-ups fixated on the literature of their childhood, just as a well-worn teddy bear may remain dear to the heart of many an adult. Others, however, are likely to balk at the simplemindedness of this epic tale (can anything over 700 pages be less than epic?) of stouthearted young men, oaken-hearted older men, ignoble villains, swordplay, glorious causes, elves, gnomes, dwarfs, and trolls. It caters to the *Lord of the Rings* trade, but this book makes it obvious that a troll or two does not a Tolkien make.

The author is painstakingly in earnest, crowding his ponderous tome with all manner of bloody adventure and derring-do. He even provides a map of the world he imagines will rise from the ashes of our own after many centuries. One longs to ink in on the map "The Thickets of Cliché" and "The Swamp of Redundancy" with the warning: "Avoid!" Brooks seems never to use one word when he can use two. Thus murals become "wall murals," a gasp becomes "an audible gasp," silence becomes "mute silence," a person doesn't think, but "thinks inwardly," and instead of shaking his head "shakes his head negatively." This is not only an irritant, it slows the book's already too measured pace.

No doubt Brooks thought such a heavy hand would help him produce the organ tones associated with the epic mode. He got the wind, all right, but little of the music. —RALPH TYLER

Wit Twister No. 97
Edited by Arthur Swan

The object of the game is to complete the poem by thinking of one word whose letters, when rearranged, will yield the appropriate word for each series of blanks. Each dash within a blank corresponds to a letter of the word. Answers on page 53.

Jingles in _ _ _ _ _ _ _
often are clever,

And not one _ _ _ _ _ _ _
from me do they rate.

Jeers they may earn are not _ _
_ _ _ _ _ ever.

They're fun, so who cares if they're
not really great?

Contributed by Mrs. English Showalter, Roanoke, Va.

Farther Off from Heaven
by William Humphrey
Knopf, 256 pp., $8.95

NOVELIST William Humphrey's childhood came to an end on the day in 1933 when his father was killed in an auto accident. In a magical and touching memoir, he has recaptured his first 13 years in the southern town of Clarksville, Texas. His father, an auto repairman, taught him to hunt and to find his way in the alligator swamp; on hot school days his mother bathed him at lunchtime and put him in a fresh white linen suit for the afternoon.

Humphrey's father grew up on a struggling cotton farm just after the turn of the century. His meals were "eaten in the silence of animals at their stalls," and he was taught nothing but backbreaking labor. After a few years of such a life, "about the only use for his tongue that a person had was to curse." Humphrey shows how the automobile transformed this world, freeing his father for a town life. Yet Clarence Humphrey's marriage went bad, and he killed himself by driving too fast. For his son there came in quick succession the Depression, the drought that turned Texas into a dust bowl, and a dinner table that came to resemble the silent one of his father's childhood.

In order to understand his childhood, Humphrey has had to reconstruct his father's life—one for which there were no documents. In the process he has written an incomparable portrait of small-farm and small-town America, both as they looked on the outside and felt on the inside. —PETER SHAW

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Children's Books: The Best of the Season

by William Cole

THIS is the season of the elephant; elephant books have been pouring in, just as bear books were the hot numbers last season. One publisher, in fact, just issued three storybooks about adorable pachyderms. We also have a slew of books featuring alligator and crocodile heroes. And three books attempting to get on top of metrics.

I've waded through a sea of saccharinity and an ocean of opportunism and picked out the 50 books that might teach a child something, or at least won't put the wrong person to sleep at beddy time:

For Older Children (Roughly 8–11)

First things first: DOZENS OF WAYS TO MAKE MONEY by Yvonne Michie Horn (Harcourt Brace Jovanovich, $5.95 cloth, $2.95 paper). There are a couple of these every season, and this is a good one: making beanbag chairs, creating leaf mold for gardens, running a bike shop, even getting into the roofing business. Make your youngster productive!

STORES by Alvin Schwartz, photographs by Samuel Nocella, Jr. (Macmillan, $7.95). Take Princeton, New Jersey. Take a couple dozen businesses: a bakery, a restaurant, a hardware store, a bookstore. Show and tell what goes on. You'll find out how to make 12 gallons of tomato sauce, how to read a prescription, and how to read those newfangled computer symbols on your groceries.

THE HARLEM GLOBETROTTERS AND BASKETBALL'S FUNNIEST GAMES by Clare and Frank Gault, illustrated by Charles McGill (Walker, $5.95). How this team of tall black cutups came about; how they do the impossible things they do. Any basketball-conscious kid will like this.

ON THE FRONTIER WITH MR. AUDUBON by Barbara Brenner (Coward, McCann & Geoghegan, $6.95). Joseph Mason's make-believe diary of traveling two years with the great naturalist-artist, who "is quite handsome, save for his teeth, which are rotting." Mr. A. was really an odd one, a driven genius, and this is an intelligent and informative book about him and our frontier.

BEAR'S HEART by Burton Supree, with Ann Ross (Lippincott, $8.95). The subtitle tells the tale: "Scenes from the Life of a Cheyenne Artist of One Hundred Years Ago with Pictures by Himself." Primitive color drawings of a group of Cheyenne who were captured and interned in a Florida prison.

WONDERS OF LIONS by George and Kay Schaller (Dodd, Mead, $5.95). Schaller is *the* lion (and gorilla) man, and this is a solid book, full of intimate photographs of the lion family.

A CLOSER LOOK AT ELEPHANTS by John Holbrook, illustrated by Peter Barrett (Franklin Watts, $2.95). Elephants kiss one another; they're wasteful eaters; they secrete an oily, smelly fluid from glands on the sides of the head. Stuff like that, which I, for one, didn't know.

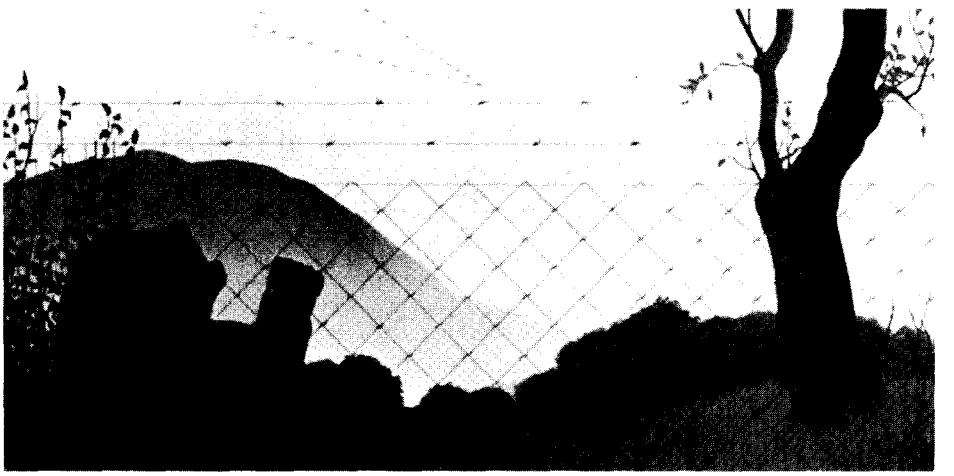
SAND TIGER SHARK by Carol Carrick, illustrated by Donald Carrick (Seabury, $6.95). Each season has to have a shark book. Lovely paintings and informative text about this Durante-nosed fish.

THE SIERRA CLUB SUMMER BOOK by Linda Allison (Sierra Club/Scribner, $7.95 cloth, $4.95 paper). Crafts, sleepouts, birds, insects, trips, games—wonderful things to lure the kiddies away from TV.

A WALK IN THE FOREST: THE WOODLANDS OF NORTH AMERICA by Albert List, Jr., and Ilka List (Crowell, $9.95). Photographs, line drawings, and text, interestingly arranged: "The Canopy," "The Middle Layers," "The Ground Cover," "The Soil," and "Projects To Do in the Forest." Quick, before it goes!

A GAME OF CATCH by Helen Cresswell, illustrated by Ati Forberg (Macmillan, $5.95). A lovely short novel about a brother and sister, an old English castle, and two two-hundred-year-old brother and sister . . . ghosts. Gave me a really chilly spine tingle.

THE KING OF THE HUMMINGBIRDS AND OTHER TALES by John Gardner, illustrated by Michael Sporn (Knopf, $4.95). Superproductive Gardner's third book of hip fairy tales. "*Oy vay*," says the queen. People call each other "man," and the princess says to Eddie, "Come on in, tall, dark, and handsome. Excuse me just a sec, while I slip into something comfortable."



From *The Bear Who Wanted To Be a Bear*

STORIES MY GRANDFATHER SHOULD HAVE TOLD ME, edited by Deborah Brodie, illustrated by Carmela Tal Baron (Bonim Books, $6.95). An anthology of stories of the Jewish experience through children's eyes: in Europe, in Israel, in America, on the kibbutz, and such.

BLUEBERRIES LAVENDER: SONGS OF THE FARMER'S CHILDREN by Nancy Dingman Watson, illustrated by Erik Blegvad (Addison-Wesley, $5.95). Poems that smell of the countryside: "Barn Chores," "Peepers in the Swamp Grass," and "Zizzy Bee." Old-fashioned and likable.

THE SNOPP ON THE SIDEWALK by Jack Prelutsky, illustrated by Byron Barton (Greenwillow, $5.95). A light verse master gives us a dozen impossible animals: "It was lying on the sidewalk/like a gray old ragged mop/but the second that I saw it/I was sure I'd found the snopp." Can such things be?

THE WHOLE WORD CATALOGUE 2,

William Cole has two juvenile paperbacks this season, each Dell and each 95 cents: Beastly Boys and Ghastly Girls, *illustrated by Tomi Ungerer, and* Knock Knocks: The Most Ever, *illustrated by Mike Thaler.*

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And he did it very well.

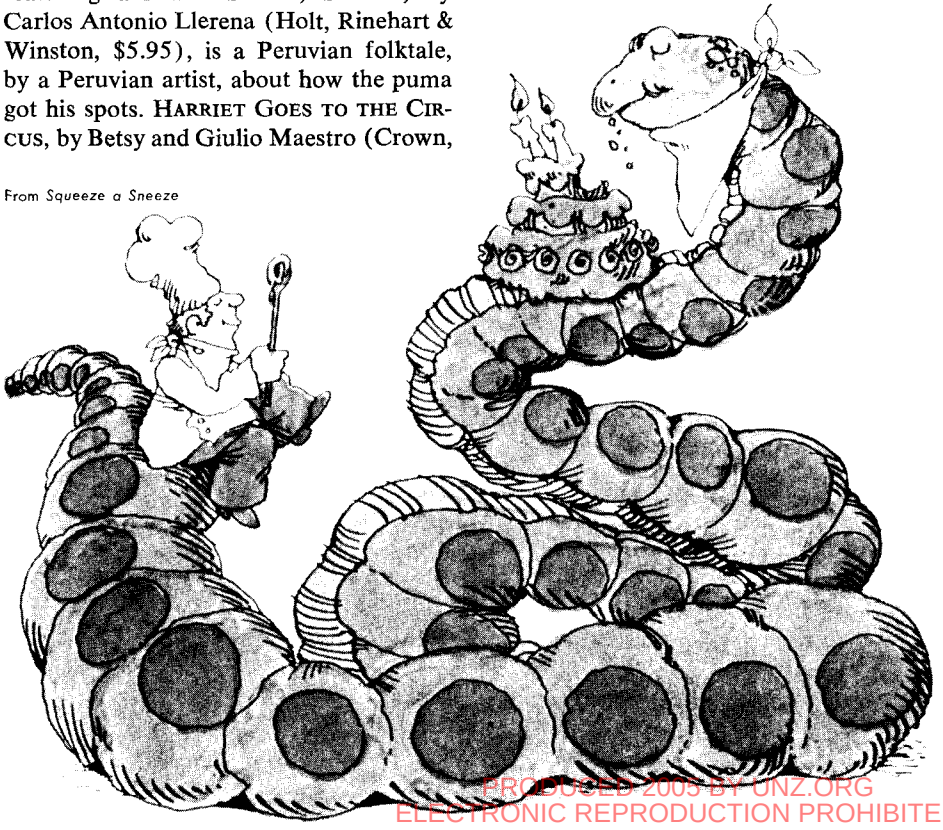
From Jack Kent's Merry Mother Goose

edited by Bill Zavatsky and Ron Padgett (McGraw-Hill and Teachers & Writers Collaborative, $6.95 paper). Mostly about how to get children writing poetry in the classroom, with snappy essays and how-to pieces by the editors and such poets as Kenneth Koch and Phillip Lopate. All teachers should have.

For Younger Children (Roughly 3–8)

The best book of this season—by about 200 miles—is THE BEAR WHO WANTED TO BE A BEAR by two Swiss writers, Jörg Steiner and Jörg Müller, "from an idea by Frank Tashlin" (Margaret McElderry/ Atheneum, $7.95). Bear sleeps in cave. During winter factory is erected overhead. Bear stumbles out in spring, is taken for worker, and put on assembly line. A heavy drowsiness comes on him next winter, and he falls asleep at switch. The end, which I won't tell you, is simply gorgeous. Funny, poignant, magnificent art, and actually worth $7.95.

Here's a fistful of good picture books featuring animals: STICKS, STONES, by Carlos Antonio Llerena (Holt, Rinehart & Winston, $5.95), is a Peruvian folktale, by a Peruvian artist, about how the puma got his spots. HARRIET GOES TO THE CIRCUS, by Betsy and Giulio Maestro (Crown, $6.95), is a vibrant tale of how ten funny animals line up to enter a circus tent when the back door opens, making the last one first in. For tiny tots. THE GREAT BIG ELEPHANT AND THE VERY SMALL ELEPHANT, by Barbara Seuling (Crown, $6.95), is three funny stories about the domestic life of the two extremely tame beasts. It's fun when Great-Aunt Matilda comes to visit. That fine author Jan Wahl delights us again with DOCTOR RABBIT'S FOUNDLING, illustrated by Cindy Szekeres (Pantheon, $3.95). The foundling is a tadpole. I like the doctor's library, with a medical text titled "Tail Troubles." FOX EYES, by Margaret Wise Brown, illustrated by Garth Williams (Pantheon, $5.95), is a collection of beautiful drawings of a fox observing other creatures during the night, and making them extremely nervous. Nobody likes to be spied upon. THE MOUSE ON THE FOURTEENTH FLOOR, by Jane Thayer, illustrated by Beatrice Darwin (Morrow, $6.50), is a sweetie about a rodent who gets into a brand-new high-rise, creating havoc—even a threatened rent strike.



From Squeeze a Sneeze

And here are rarities—children's stories that *don't* feature animals: GOODBYE, FUNNY DUMPY-LUMPY, by Bernard Waber (Houghton Mifflin, $6.95), is about a family (well—they *do* happen to be cats, but could be anything) who have to get rid of an old, loved sofa, and who come across other domestic crises. Sweet. In THE BIG ORANGE SPLOT, by Daniel Manus Pinkwater (Hastings House, $5.95), Mr. Plumbeam is busily painting his house and accidentally drops a big splotch on his roof, then goes on to repaint the whole house crazily, causing his neighbor to say that he has "popped his cork, flipped his wig, blown his stack, and dropped his stopper." MR. PLUM'S PARADISE, by Élisa Trimby (Lothrop, Lee & Shepard, $6.95), is an English book about a man who puts a garden in the backyard of his dingy house, and his neighbors follow suit, thus creating a paradise. Lovely detailed drawings, some from funny perspectives. IT COULD ALWAYS BE WORSE (Farrar, Straus & Giroux, $7.95) is a Yiddish folktale retold and illustrated handsomely by Margot Zemach. How would you like to live in a one-room hut with your mother, wife, and six kids? And then bring in all the animals? Could be worse. THE REWARD WORTH HAVING (Four Winds, $6.95), by Jay Williams, illustrated by Mercer Mayer—two pros—is one of those tales in which the simple fellow goes through trials and ends up with the princess. Got some surprising new twists, though. The detailed and delicately colored drawings are the thing in THE WIND THIEF by Judi Barrett, illustrated by Diane Dawson (Atheneum, $7.95). Everybody's hat blows off and lands on the wrong head. Simple as that. Tomie de Paola, who is currently the hottest illustrator in town, has drawn the pictures for THE QUICKSAND BOOK (Holiday House, $6.95), a bright tale of a little girl who has to listen to a lecture about quicksand from Jungle Boy as she's sinking in some of it herself. Informative, and *could* save a life. APPLE PIGS, by Ruth Orbach (Collins & World, $5.95), is about an *extremely* fruitful tree whose fruit fills the bathtub, bunk beds, grand piano, and baby carriage. What to do? Ah, there's a solution. There are fifteen PENNY TALES in Virginia Schone's lively book, illustrated by Paul Richer (Parents' Magazine, $5.50). Such problems as the cat who nibbles on the rubber plant and s-t-r-e-t-c-h-e-s.

Some funnies: SQUEEZE A SNEEZE, by Bill Morrison (Houghton Mifflin, $5.95), is all nonsense rhyming: "Make a man

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From *Burglar Bill*

sneeze/with a mouth full of peas"—a terrific illustration for that one. The great Maurice Sendak has created a wispy booklet, SEVEN LITTLE MONSTERS (Harper & Row, $3.95 cloth, $1.95 paper with mailing envelope), in which nine illustrations show seven monsters doing funny things. For tiny tots. And here's a new and very funny team from England, Janet and Allan Ahlberg, with two books. BURGLAR BILL (Greenwillow, $6.95) is a lovable robber with mask and sack who steals toothbrushes, cans of beans, and, shockingly and mistakenly, a baby! What's a nice crook like that to do with a baby? Then there's THE OLD JOKE BOOK (Viking, $4.95), in comic strip format. Really *bad*, really *old* jokes: "Waiter, waiter, there's a dead fly in my soup!" "Yes sir—it's the hot water that kills them!" A bargain. Another bargain: JACK KENT'S MERRY MOTHER GOOSE (Golden Press, $3.95). Old M.G. brought up to date by the funniest illustrator of juveniles in America. Doctor Foster is hung on the line to dry, whereas Pussy in the Well is dried with a hair dryer. The three men in a tub are in the kid's bathtub when he goes to brush his teeth. SLEEPY IDA AND OTHER NONSENSE POEMS, by Steven Kroll, illustrated by Seymour Chwast (Pantheon, $4.95): lively foolishnesses about monsters, people sitting on other people's hats, cabbages in beds, and what-all. Ludicrous illustrations.

A small publisher in Maryland, Stemmer House (2627 Caves Road, Owings Mills, Md. 21117), has come along with a fat collection of fairy tales by Godfried Bomans called THE WILY WITCH, translated from the Dutch by Patricia Crampton and illustrated in true fairy tale fashion by Wouter Hoogendijk. These stories are funnier and more cynical than the Grimm/Andersen we're used to, and the author, who died in 1971, is still a best seller in the Netherlands. Cheap at $6.95. Now, a few sensible books: THE UNDERWATER WORLD OF THE CORAL REEF, by Ann McGovern (Four Winds, $5.95), is all about friends and anemones in that other world, with lovely color photographs. Every season brings a book about little horses, and this spring we have BIRTH OF A FOAL by Jane Miller (Lippincott, $6.95). The mother seems curiously disinterested while giving birth, but eventually takes to the spindly little creature. Then there's FACE TALK, HAND TALK, BODY TALK, a text/photo book by Sue Castle, photos by Frances McLaughlin-Gill (Doubleday, $5.95). These are kids showing their emotions by facial and body expressions. Too many photos, sorry to say, look posed: "Hey, kid—look surprised!" But the idea of the book is a good one.

We're seeing more and more paperbacks among children's books, and a good thing, considering the prices of hardbounds. Here are some new reissues in paper that won't break you: A TWISTER OF TWISTS, A TANGLER OF TONGUES by Alvin Schwartz, illustrated by Glen Rounds (Bantam Skylark, $1.75); the definitive book on old, oily Ollie who oils oily autos and such. Then, a funny, imaginative novel, JACOB TWO-TWO MEETS THE HOODED FANG by Mordecai Richler (Bantam Skylark, $1.50). You can now get a copy of Randall Jarrell's classic, THE BAT POET, illustrated by Maurice Sendak (Collier Books) for $1.95. This is a story with occasional poems, and it is guaranteed to hold the attention of any eight-year-old.

For younger children, there's THE PAPER PARTY by Don Freeman (Puffin, $1.75), in glorious color; the story of a boy who enters his TV and has a party with a cast of clowns. Or the delicate WINTER'S COMING by Eve Bunting, illustrated by Howard Knotts (Harcourt, $4.95 cloth, $1.65 paper), showing signs of a new season's approach on a farm. BLACKBOARD BEAR, by Martha Alexander (Pied Piper/Dial, $1.50), is a sweet tale of a boy ignored by others until he draws a huge bear that steps off the blackboard and accompanies him. And we *must* have a dinosaur book every season, so why not DINOSAURS, by Peter Zallinger, a Random House Pictureback for 95 cents; all kinds of fascinating monsters in great color. And last, one of my pets, IT'S RAINING SAID JOHN TWAINING: DANISH NURSERY RHYMES translated and illustrated by N. M. Bodecker (Aladdin/Atheneum, $6.95 cloth, $1.95 paper). Adroit rhymes, all pretty silly, and snappy pictures in color. ◉

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An Educational Explosion: The Museum of African Art

by Katharine Kuh

A row of 11 Victorian-style town houses might seem an unlikely setting for a museum devoted to African art. Yet on A Street, in Washington, D.C., just such a museum—the only one of its kind in the country—has been operating for the past 13 years.

This remarkable enterprise—its official title is the Museum of African Art—is a refreshingly unbureaucratic institution in a city that is drowning in bureaucracy. Above all, the museum knows where it is going, and despite its constant battle for funds, it is working toward its goal with dedication and a sense of high adventure.

That goal is, simply, to acquaint Americans of all backgrounds with the range, meaning, and importance of African art. More particularly, the museum courts three specific audiences—adult visitors, advanced students, and especially the public-school children of Washington (94 percent of whom are black).

Warren Robbins, founder and director of the museum, says, "Our hope is to provide a foundation for interracial understanding, a foundation based on sound knowledge and not merely on the usual myths." This aim is, he feels, important for both black and white Americans.

These are admirable sentiments, but do they have much impact on the museum's visitors? During a recent visit I encountered a group of third graders who were just leaving the building after a tour that had included looking at works of art, listening to and joining in performances of African music, observing ritual dances, trying on native costumes, watching a superbly organized slide film, and being talked to—but not lectured at—by Afro-American and African craftsmen. I asked the children about their experience; they responded in a babble of delight. Having once worked in a museum myself, I could only compare those youngsters with the bored little creatures who used to troop through our endless galleries, led by cheerful young docents rarely in tune with their charges.

At the Museum of African Art the educational program is aggressive and multifaceted. Even before the children are brought there, teams of staff members invade a school for as long as a month, leading craft workshops and discussions on all phases of African life and culture. Of far-reaching importance also is a two-day orientation program for teachers, designed to dissipate biases and clichés.

Once young visitors enter the museum they are immediately accosted by masks, ritual figures, fetishes, headdresses, carved granary doors, dance staffs, and ceremonial objects from dozens of African areas. The overall confrontation is at once brutally direct and yet curiously mysterious, and the children can scarcely avoid becoming involved, if only because of the dramatic nature of the material displayed, the handsome interrelated installations, and the photo blowups that show, rather

Helmet Mask; Ibo, Nigeria, from the Eliot Elisofon Collection

Photos by Elisofon Archives/Museum of African Art

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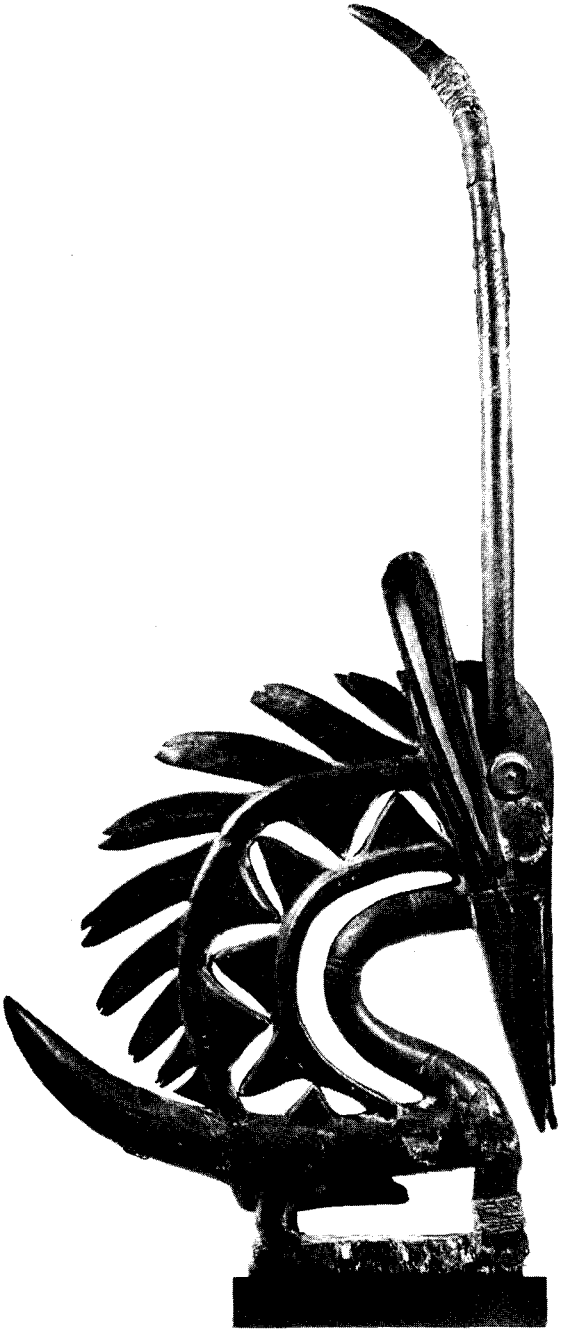
than tell, how adjacent works of art are used in tribal ceremonies. As a rule, these artifacts were rarely produced spontaneously, adhering as they do to strict tradition. In reality they are three-dimensional symbols, or one might say they go beyond symbolism to become images with unique existences of their own.

Robbins makes no pretense of being an art historian, yet he has other qualifications that have prepared him for the founding and directorship of the museum. As a crusader and visionary, if not necessarily a missionary, he has the kind of imagination that soars beyond pragmatic barriers. His thinking is affected by two previous careers: he was first a high school teacher of social sciences, with emphasis on communication, and later he became a foreign service officer and cultural attaché. In 1964 he started the museum on a shoestring. It has burgeoned prodigiously from a staff of two—himself and a volunteer—to a group of 30; from a collection of a few artifacts to nearly 7,000 works; from occupying part of one house to being housed in 11 Capitol Hill buildings. The original structure, which is still the architectural core of the museum, is not without symbolic meaning, for it was the first Washington home of the black abolitionist orator and publisher, Frederick Douglass. A charming sitting room, featuring period furniture and memorabilia, has been set aside to honor his memory; it is only another indication of how a museum can operate on human terms.

Two pivotal events have given new life to the institution. In 1971 the National Endowment for the Humanities awarded it a grant of $1 million. Two years later photographer and documentary filmmaker Eliot Elisofon left it a bequest of some 600 objects and an invaluable archive of well over 100,000 slides, photographs, and films on African art and environment, the largest such resource in the world. Elisofon was indefatigable in his pursuit of Africa, a continent he visited repeatedly from 1943 until his death 30 years later. Robbins makes clear that this man was not only a donor but also a mentor. A minitheater in the museum features an unforgettable 13-minute sound-slide show called "Tribute to Africa: The Imagery of Eliot Elisofon" that produces all the effect of a fast-moving film.

As I see it, the Museum of African Art is faced with two urgent priorities. Still in its early teens, this newcomer has already accomplished miracles, but without some assurance of future stability, it could founder. Thus the museum's first priority is to become firmly established. Robbins recognizes the problem and is hoping that the institution will eventually be adopted by the Smithsonian as one of its many cultural wards. Even then, private fund raising would continue, but the government affiliation could provide a more secure background. Somewhat baffling is how little substantive support the museum receives from black communities throughout the country. Surely the fact that Robbins is white can scarcely account for this indifference. Though it is less romantic than the popular book and TV program *Roots*, the Museum of African Art nevertheless provides a more authentic record of those very "roots"—a record that presents a variety of material meriting sustained investigation.



Antelope Headdress; Bambara, Mali, from the Eliot Elisofon Collection

The second urgent priority relates to the works of art themselves. Despite the museum's preoccupation with hosts of schoolchildren, it also appeals to a large general public and has recently embarked on a program of higher education designed to attract students who will use its facilities for advanced study. Though educational ambitions are proliferating, the collection itself will benefit less from expansion than from refinement. Currently the museum boasts one of the largest and most representative surveys of African art in existence, but qualitatively it lags behind certain smaller holdings elsewhere. Eight or ten individual objects are considered tops in their class, but because African art has been spewed out in reams of commercial imitations, it is doubly impor-

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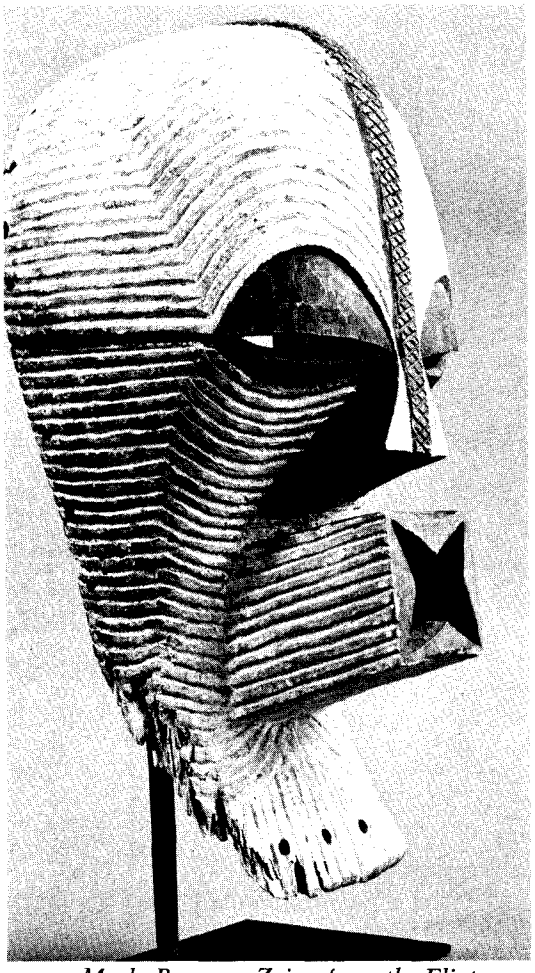
tant to weed out routine examples and to insist on excellence. For advanced students, contact with primary works is mandatory.

Originally Robbins did not set out to collect "the rarest of the rare." As he puts it, he wanted "a museum that experts can



Mask; Basonge, Zaire, from the Eliot Elisofon Collection

respect but at the same time one specifically oriented to the general lay public." Just why the so-called lay public should not respond (along with the experts) to extraordinary works is not quite clear. Under the title "The Language of African Art," the museum is presently circulating a Bicentennial exhibition to several black colleges. The more accomplished the "language," the more fervent, I should think, its message would be. As the years go by, even without endowment or purchase funds, the institution will continue to improve its holdings, if only by trading duplicates and by encouraging private collectors to donate their outstanding works.

For serious students of tribal art, certain uncommon examples can act as priceless keys to history. One thinks immediately of the sophisticated sculpture of the Ife kingdom (twelfth and thirteenth centuries), only two examples of which can be seen in the United States. These striated metal and terra-cotta heads, subtle evocations of what must have been an advanced civilization, differ radically from other African artifacts. I am not suggesting that the Museum of African Art concentrate on such rarities, but eventually, if it is to live up to its name, it must go after similar hard-to-find masterpieces. Good run-of-the-mill examples are not always enough.

Meanwhile, in cooperation with nearby universities and graduate schools, the museum is offering advanced study in African culture, with emphasis on art, dance, music, and folklore—all elements that cannot be separated from the history and daily life of the people. To quote the announcement: "Beginning with man's prehistory and Africa's lost civilizations, the course will trace the development of African traditional societies up to the present era. . . ." Summer teacher institutes are planned and also museum internships. In line with his emphasis on education and innovation, Robbins has set aside a gallery pinpointing the influence of African sculpture on twentieth-century European and American artists. Here words are not needed, for the juxtaposition of objects tells the story with convincing impact.

The museum, with its constantly changing exhibitions, lectures, symposia, and seminars, offers its varied public a program saturated with opportunities. No slightest possibility for community enrichment is overlooked. One of the most engaging current projects relates to a group of outdoor murals deriving from southeast African prototypes. Reproduced on the walls of the museum's inner court, parking areas, and back alley are brilliantly colored geometric designs similar to those that decorate the houses of the N'debele people. The paintings, executed by museum personnel and volunteers, turn drab areas into dynamic attractions.

And, not least, the museum has become a boon to the State Department, as even Kissinger noted. He recognized its "value as an extension of diplomacy" and as a hospitable center for African heads of state. Originated and nourished *con amore*, the Museum of African Art is more an idea than an institution. It is still in that wonderful neophytic state when anything seems possible. The buildings pulsate with life, literally throbbing to the rhythm of drums and dancing feet, but even more important is the rapt involvement of their young visitors. ◉

Artsletter

by Roland Gelatt

Vancouver, B.C.

THE water-girdled port of Vancouver on Canada's Pacific coast ranks high on every list of most-livable cities. It has the sea at its doorstep and snowcapped mountains as a backdrop; a mild climate that pampers flowers and keeps grass green the year round; a cosmopolitan populace whose imprint on the city's amenities is unmistakable, not least in the diversity of its many restaurants; and a city center that really works, its downtown streets as busy and alive by night as by day.

For a community of Vancouver's size (population at last count totaled about a million), there is a lot going on. During a long weekend here, I have had a choice of four theatrical productions. (The one I attended—Michel Tremblay's *Bonjour, là, Bonjour* in English translation—was performed with style and polish by the resident Arts Club Theatre company.) The city has its own opera company, under the musical direction of Richard Bonynge; its own string quartet, associated with Simon Fraser University; its own orchestra, conducted by Kazuyoshi Akiyama. And now it has a splendid new 2,800-seat concert hall.

Or rather, an old hall recycled into new use. Your reporter has a soft spot for any community that succeeds in rescuing a condemned theater from the wrecker's ball. Here in Vancouver the rescue operation has been performed on a onetime vaudeville house, the Orpheum, fallen into disuse and decay and destined to be carved up into a complex of mini movie houses. Happily, Vancouver's citizenry howled in protest, and today the theater serves as the city's much needed concert hall.

Though the Orpheum is a mere 50 years old, it counts as a historic monument in a community that first came to life less than a century ago. Not much remains from Vancouver's turn-of-the-century infancy, or even from its mid-Twenties adolescence. The downtown is predominantly contemporary high-rise, a shiny cluster of tinted glass and poured concrete. Amid

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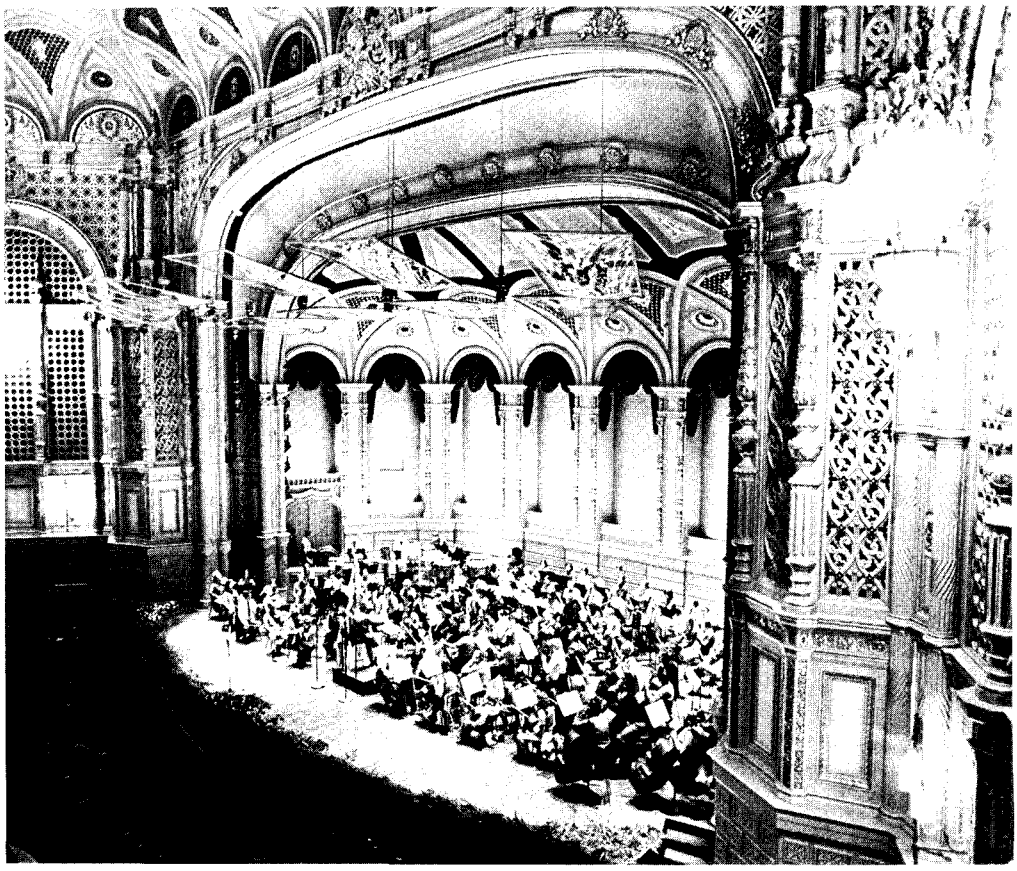
Sleeping Beauty in the Canadian West



Glen E. Erikson

The Orpheum restored—"No attempt was made to ungild this lily."

that cluster stands the Queen Elizabeth Theatre, built by the city in 1959 as a multipurpose venue for the performing arts. In common with many halls of that era, it turned out to be something less than an acoustic triumph. Its dry, unyielding ambience works tolerably well for theater and opera but plays havoc with the massed sonorities of an orchestra. The Vancouver Symphony disliked the place from the start, and as its audience and season grew, so did its dissatisfactions. By the early 1970s it became apparent that the city was in real need of a supplementary music hall. There was some talk of erecting a new one, but instead Vancouver has rehabilitated a perfectly good old one at one-third the cost.

The Orpheum survives from a time when it was deemed right and proper to ensconce an audience in regal surroundings. The place is decorated in that Spanish-Moorish style much favored by theater designers in the Twenties, its interior festooned with imposing chandeliers, mirrored sconces, and intricately sculpted pilasters. There is a profusion of gold leaf. Thankfully, no attempt was made to ungild this lily. The interior has been restored to its original 1927 state with the advice and aid of a spry eighty-two-year-old artist, Tony Heinsbergen, who was present at the creation of the house. Some fairly extensive structural alterations have been made behind the proscenium in order to accommodate a sound shell and to enlarge the stage area, but these new accretions have been kept in decorative tune with the rest of the house, and the effect is pleasingly old-fashioned. Movie-palace Moorish begins to exert a certain charm.

THE moment of truth for the restored Orpheum arrived in early April, at the inaugural concert by the Vancouver Symphony. Everybody who was anybody in the province of British Columbia was there for the occasion, but despite the celebratory nature of the event, Maestro Akiyama devised a demanding program, one that tested his orchestra's mettle as well as the acoustics of its new home. The evening opened with *Triptyque*, an atmospheric play of sonorities by the Canadian composer Pierre Mercure; continued with Ravel's *Shéhérazade*, sung (not very idiomatically) by Maureen Forrester; and ended with the Mahler Symphony No. 1. Both orchestra and hall measured up admirably. The Orpheum's acoustics in all parts of the auditorium seemed warm, well focused, and sufficiently—if not optimally—reverberant. They certainly displayed the orchestra to good advantage. Mahler's First is not the easiest score to negotiate, but the Vancouver instrumentalists cleared its hurdles easily, with the lean and sinewy tone characteristic of the best British ensembles.

The price tag for Vancouver's new-old concert hall was reasonably modest: $7.1 million to acquire and restore the property. Most of this has come from public funds—city, provincial, and national. The city owns the hall, as it does the Queen Elizabeth Theatre, and is subsidizing the operation of both to the tune of a half million dollars per year. According to City Manager Fritz Bowers, voter support for this kind of outlay is unquestioned. The Vancouver Symphony can use the Orpheum rent free for its rehearsals and the approximately 100 concerts it gives during the course of a year. When not needed by the orchestra, the hall will be available for recitals and other nontheatrical events.

Vancouver is not alone in recognizing the cultural potential of old theaters. The St. Louis and Pittsburgh orchestras now play in former movie palaces. Milwaukee has restored its turn-of-the-century Pabst Theater into a lovely environment for recitals and chamber music. A hall dating from 1887 is thriving anew as a cultural center in Lexington, Kentucky. And the sound of music is being heard again in a superb cast-iron opera house in Wilmington, North Carolina.

Many more such sleeping beauties still await rescue. The University of California at Davis has compiled an inventory of surviving theater buildings, beginning with a 456-seat house dating from 1805—the Masonic Theatre in New Bern, North Carolina. It now stands shuttered and in urgent need of resuscitation. But a theater need not be "historic" in order to merit saving. Even a run-of-the-mill hall like Vancouver's Orpheum can become a precious adornment to a caring community. And any theater is better as a theater than as a parking lot. ◉

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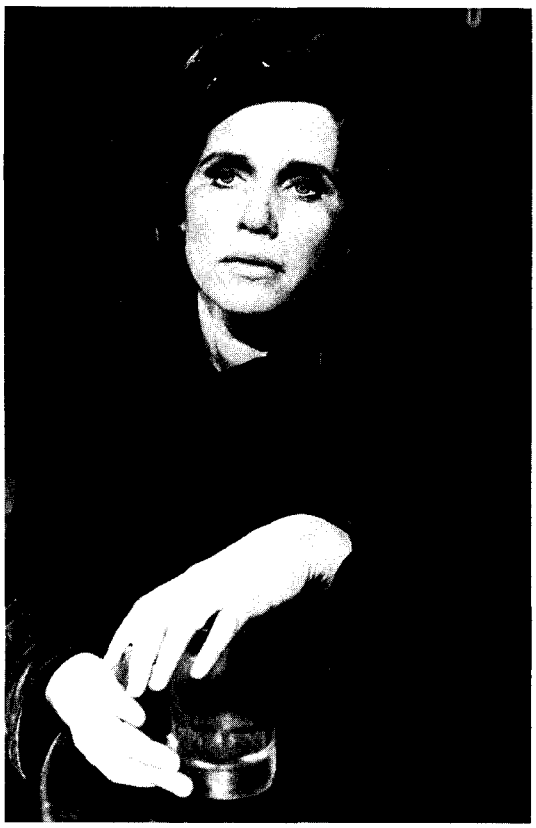
Theater

The Mere Human Props of Eugene O'Neill

by Gordon Rogoff

EUGENE O'NEILL had the right pedigree for the role of serious playwright: a family freighted with misery, a series of boarding schools wrecking his intelligence, suspension from Princeton because of a student prank, a secret marriage dissolved early, an attempt at prospecting for gold in Central America thwarted by a case of malaria, and, after this, surrender to his actor-manager father by joining his company as an actor and assistant manager. As if the actor's life were not bad enough, O'Neill went on to restlessness at sea and in bars, then back to acting, on to journalism, and, finally, to a case of tuberculosis that led him to the most dangerous—and for him, most crippling—adventure of all: heavy reading in Greek tragedy and an obvious misreading of Strindberg. The Greeks appealed to his ambition and Strindberg appealed to his tormented image of himself. To make matters worse, he enrolled in a playwriting course.

Liv Ullmann—"In a voice shrouded in fog, she makes us listen. . . ."



Had he missed the Greeks and the formal education, he might have written the obligatory autobiographical play first rather than last; in which case, he wouldn't have written so many awful plays in order to reach sublime moments in *The Iceman Cometh* and *Long Day's Journey into Night*. The recent arrival of *Anna Christie* (1921) at the Imperial Theatre on Broadway is a useful reminder that the rules of playwriting are no substitute for absent feeling or instinctive technique.

O'Neill must have learned several inhibiting lessons at school. First, there was *exposition*: as *Anna Christie* opens, five characters are used to provide barroom atmosphere and information about two of the three protagonists. A letter arrives from Minnesota for Chris Christopherson. The handwriting, they say, looks like a woman's. Chris is supposed to have a daughter somewhere out west. "Come to think of it," says the owner of the bar, "I ain't seen old Chris in a dog's age." The dog's age, of course, ends immediately: Chris arrives. The atmospheric characters, their usefulness at an end, disappear into the wings or silence. Chris's woman, Marthy Owen, arrives. She will get longer shrift from O'Neill, but she is additional exposition nonetheless. When Chris is conveniently gone, his daughter Anna enters, supposedly to drink and converse with Marthy, but really to be recognized by Marthy as a whore. Marthy leaves when Chris returns. And just to be certain that she won't reveal the terrible truth about Anna (so that Anna can reveal it herself in a third-act confessional scene), O'Neill exiles Marthy from the stage forever. He ensures the credibility of her banishment by yet another mechanical device: sailing Chris and his coal barge to Provincetown and Boston for the rest of the play.

Other lessons learned by O'Neill were surely about *character* and *action*. Assuming he read it, he must have misunderstood Strindberg's sermon in the preface to *Miss Julie*, in which he described the "souls" in his plays as "characterless"—he wanted to avoid the immobile, fixed, and finished patterns so common to the middle-class stage. O'Neill fixed Anna in the death grip of the oldest pattern about the oldest profession. Her heart is tarnished gold and she hates men. Similarly, Chris is frozen in stereotype. A man who blames the sea for all his troubles, he will never let Anna marry a sailor. All of which brings on Mat Burke, a sailor who makes Anna feel clean in the same way that the sea makes her feel clean. Mat is Irish, which translates into "impulsive" and "romantic." Naturally, he likes his women clean.

Now, the *action*. Since a character in such a formula play is supposed to undergo a change of at least one characteristic, it follows that the action of *Anna Christie* will be directed entirely toward reconciling Anna to men, but not before the men turn against Anna. This is not only action, it is *conflict*. Anna falls in love with Mat. Mat goes on a binge after she tells Everything. He returns to Anna demanding an oath of fidelity on his mother's cross. (Could there be another?) And Chris agrees that gaining a son-in-law is better than losing a daughter a second time. The characteristics of the characters have been rearranged neatly for a happy ending.

O'Neill wanted to believe that "the happy ending is merely a comma at the end of a gaudy introductory clause, with the body of the sentence still unwritten," a wishful thought that makes sense only if one looks away from *Anna Christie* to the later plays. In them, the fix was broken. Messy, unarranged life was permitted to intrude. *Anna Christie*, however, is a mess in another way: it is a play about sex with sexual energy missing. O'Neill was hooked on chastity. Just before *Anna Christie* he wrote *Diff'rent*, in which the heroine is the one who rejects her lover because she knows he can't be a virgin. The other early plays also dwell on blame and fault, as if O'Neill couldn't push on with life or writing until an insurance policy could be taken out against the impurity of others. For a fleeting moment, he gives Anna her freedom. "Nobody owns me except myself," she says, and the play is suddenly threatened by life. But then O'Neill retreats to his textbook, reappearing with the mother's cross. The prig conquers the playwright.

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Liv Ullmann plays Anna in José Quintero's faithfully antique production, and she has that "power of strength" in her that Mat boasts about in one misbegotten stage-Irish phrase after another. Her power is that she believes in her words and her actions. She isn't out to decorate the stage with shivering instincts and tremulous conviction; behind her reality lies a plan. Stage light will find her wherever she stands or sits; in it, her hair will glow and the whites of her eyes will tell all that need be known about loneliness. Neither is she a purveyor of conventions. Anna may have lived in "one of those houses," but Ullmann never plants her hands on her hips. Instead, she twists her fingers around fallen hairs or she clutches her arm around the bottom of her bag. In a voice shrouded in fog, she says O'Neill's clumsy words, but most of the time she makes us listen to her gestures.

ARTFUL, clever, and accurate, she uses her own Scandinavian, vaguely cockney English rather than O'Neill's absurd Swedish dialect. Yet Robert Donley, as Anna's father, listens to O'Neill instead of to Ullmann: "Py yiminy," he says, though she has already pronounced the *j* in *janitor*. Donley is otherwise as firm a believer in his tasks as Ullmann is in hers. So, too, are John Lithgow as Mat and Mary McCarty as Marthy. Despite their spirit, they can't crowd Ullmann out of her light; the play isn't crafted that way.

Anna Christie is one of the dumbest famous plays ever written, but it is smart enough to know how to shoot a star into orbit. When Charles Bickford played Mat to Garbo's Anna in the film, he told her that it was a "terrific vehicle for her," though a "bad one" for him. "I told her honestly," he wrote, "that I considered the character of Mat a mere human prop for Anna to play against." O'Neill escaped punishment for all those human props because his search for something big occurred just when the country was looking for a serious playwright. Grumbling about fate and hammering away at destiny, how could he miss? Bickford hated the film, adding that "if this be heresy, make the most of it"; so the pressures against dissent must have been daunting at the time. But must we suffer those early plays now? Mercifully, O'Neill's long journey into playwriting ended with moderate distinction. He, at least, was big enough to escape his history. Broadway, however, can't seem to let go. ◉

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The Movies

Dark Horse from the Ivory Coast

by Judith Crist

THE "sleeper" that won this year's Academy Award as best foreign-language film of 1976 is just that—an unexpected work of remarkable quality and noteworthy content, unpretentious in its aspiration and memorable in its fulfillment thereof.

The controversy that followed the selection of *Black and White in Color*, labeled an Ivory Coast nominee, resulted in large part because the favorites in the five-film contest had been France's *Cousin, Cousine* and Italy's *Seven Beauties*, films that had enjoyed both box-office and critical success here during the past year and earned several other Oscar nominations as well. The other three entries—the Ivory Coast's, East Germany's *Jacob The Liar*, and Poland's *Nights and Days*—were the dark horses, unreleased in this country (the Polish film is still unscheduled for distribution at this writing) but made available to Motion Picture Academy members at special screenings. A new rule for voting on foreign-language entries had also gone into effect this year, one designed to prevent the "popularity" contest that the voting so often had been in this category and, of course, still is in the others. The specific rule for this category provided that only those who had seen all five entries (signing in at special screenings of each) were eligible to vote. The talk in the trade is that the vote was unusually low this year, with few working members of the Academy on either coast able to attend the limited screenings, especially those of the Polish entry, which runs close to five hours. And after the balloting and selection, there has been questioning of the "Ivory Coast" categorization of *Black and White in Color*, since the film's producer, Arthur Cohn, is Swiss, and the writers and director are French, as are most of the cast and crew, although it was filmed in the Ivory Coast, with that country as a coproduction participant. There is precedent here, of course, with *Z*, the French Costa-Gavras film, winning as an Algerian entry in 1969.

Be this as it may, *Black and White in Color* is with us to be reveled in. The English title (the French one is the more restrictive *La Victoire en Chantant*) is a particularly apt one, beyond the literal sense in which the film opens with faded black-and-white stills of the 1914–18 period of the piece, lets them take on tints, and then blends them into the Eastmancolor scene of action. For the concerns of the filmmaker, Jean-Jacques Annaud, who collaborated on the original screenplay with Georges Conchon, are with the black tribesmen and the handful of whites who control and exploit them in the tiny colonial outposts of pre-World War I French and German West Africa. The colonies are separated by a shallow river, which the three spit-and-polish German soldiers cross to enjoy the commerce and the company at the minuscule French settlement. The Germans drill their black soldiers; the French go about their lethargic business, as do the natives. Beyond an inept sergeant, a couple of greedy shopkeepers and their wives, and two priests, the French establishment includes a young intellectual, Fresnoy, devoted to being "a simple geographer" seeing the natives as peaceful peasants rather than the ferocious cannibals of romance, and finding the only "dangers" in boredom and his petty bourgeois compatriots.

There is much of the mood and the atmosphere of *The African Queen* established when, one January day in 1915, Fresnoy receives a package of books and newspapers, and the French colonists learn that France has been at war with Germany ("I would have guessed the English," one notes) for months. With a spirited singing of the "Marseillaise," the colonists are in fine patriotic fettle, enlisting a befuddled band of native "volunteers" and finally taking off for a surprise attack on the Germans in bucolic picnic-in-the-park style. The Germans are unsurprised—and Annaud is off and running on his moral tale about civilians in wartime, the military, colonialism, racism, exploitation, and imperialism.

The satire is barbed as it touches upon patriotism, the Christian conscience, the manipulation of self-interest, and men under stress. Much of the acid comes from the seemingly passive blacks who observe the antics of the "civilized" and whose comments rarely need verbalizing. It is Fresnoy who emerges as a "man" in the eyes of his compatriots, a De Gaullean figure as leader for the duration who is able to have the last laugh, however, on himself. Jacques Spiesser is subtle and restrained in the role, counterpoint to Jean Carmet's bumbling sergeant, Jacques Dufilho's conniving shopkeeper, Catherine Rouvel's voluptuous housewife, and Jacques Monnet's and Peter Berling's pair of priests. Annaud's forte is understatement, his comedy as incidental as his comment, the isolation of the combatants echoing the vastness of a luscious continent on which they are temporary intruders. Yet there is a gemlike luster to his film, its many facets reflecting a lively intelligence and a shrewd assessment of human foible.

Black and White in Color—"Observing the antics of the 'civilized.'"

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Jacob The Liar, adapted by Jurek Becker from his novel, is an attempted tragicomedy, a tale of doomed humanity so burdened by our own retrospect that its point becomes simplistic and its effect depressing. On one hand, one appreciates its tribute to the human spirit; on the other, one is conscious of the Anne Frank push-button artifice of created pathos. There is, somehow, an inherent "obligation" to be affected that works against the film.

It is an honorable tale of a decent and feeling man in a Polish ghetto during the Nazi occupation who, sent to the police station for a curfew infraction, overhears a broadcast about a Russian–German skirmish. The report grows in his mind; to cheer a desperate fellow inmate, he tells him of it as a Russian advance; to convince him, he claims he heard it on his own illegal radio. Rumors abound and grow in the ghetto; Jacob is catapulted into more optimistic reports. Hope is revived, suicides decrease—and even deportation is seen as a sign of German desperation. Fraud or not—and even the young "niece" who is the last remnant of Jacob's family knows the radio is only a figment of his imagination—he provides the "news" that motivates survival, leading young lovers to fulfillment, letting children dream. He offers an interview with Churchill giving assurances that "the whole schemozzle will be over soon," reports steady Russian advances, and tells fairy tales on a simulated children's program. The "comedy" is in his frantic deceits to keep the radio myth alive; the tragedy is in a friend's suicide and in the general exodus from the ghetto to doom, with only a child still believing in the fairy tale's cotton clouds.

Under Frank Beyer's direction the ghetto achieves a life of its own, ordinary figures rising from the dregs of inhumanity to show the survival of the spirit. Vlastimil Brodsky's Jacob emerges as a compassionate and generous figure; Erwin Geschonneck's Kowalski, the best friend who survives only on "news," makes a mark on our feelings; and Manuela Simon's Lena, the child who sustains the myth, epitomizes the knowing innocence of youth. Beyer gives Jacob and Kowalski their pasts with flashbacks of Jacob's restaurant and Kowalski's barbershop, of Jacob's woman, of life and opportunity and laughter lost. His film is a heartbreaking recall of this century's horror—and any reminder must be honored. But those with an awareness and sophistication may find a lack of fresh insight and of inspiration even from the writer, whose own experiences in a Polish ghetto and concentration camps are the source.

There is inspiration and excitement in *Rebellion in Patagonia*, an Argentinean film of remarkable power and quiet passion. Based on Osvaldo Bayer's *The Avengers of Tragic Patagonia*, the film recounts the birth and death of the labor movement in the rural territory of southern Argentina in the early Twenties, when urban workers and gauchos challenged the interests of the landowners, many of them European and North American absentees, in order to obtain a minimal standard of living. The local governor sided with the landowners, but a populist president sided with the workers; federal troops under a compassionate commander were sent in and an end to a general strike negotiated. But the terms were ignored by the landed gentry, and "bandidos" among the workers resorted again to violence. The federal troops returned, the commander convinced of betrayal by the workers, and a bloodbath ensued.

Directed by Hector Olivera, coproducer and coauthor as well, the film is a stunning period piece, glowing with a sense of time and place. The passions of an international workers' movement, the jealous concerns of the controllers of property, the power of foreign imperialists in local affairs, the idealism sustained and the ideals crushed, all come to his vast canvas with shattering force. Striking characters emerge, chief among them Luis Brandoni as the young labor leader, Pepe Soriano as his German anarchist co-worker, Hector Alterio as the troop commander. Much in the manner of *The Organizer*, but with the brio of a Western, Olivera's film offers a remarkable study of class warfare and, more importantly, a dramatic detailing of the makers and the breakers of the dream of social justice. His is an epic re-creation of a revolution that failed, with thousands of martyrs—but one that is still being fought. Ironically, the suppression of the Patagonian workers by the military marked the beginning of recurrent military intervention in Argentina, with the most recent military coup d'etat in March 1976. The film itself had an erratic history. Its making was approved in 1973 with the free election of Hector Campora's government. When it was completed in 1974, its release was blocked by the return of the Perón government and allowed only after a congressional debate. It should be seen not only as a noteworthy cinematic accomplishment but as an important document on the history of this hemisphere. ◉

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Recordings

New and Unusual

Instrumental

Albéniz: *Improvisations*; **Granados:** *Spanish Dances* (Nos. 7 and 10) and others (International Piano Library). From its cover montage, showing a nine-year-old Alicia de Larrocha surrounded by such stars of her pianistic firmament as Isaac Albéniz and Enrique Granados, to the sounds of a famous predecessor named Joaquín Malats, this disc is as uncommon as it is endearing. Titled *The Catalan Piano Tradition*, it brings together the child's playing of two Chopin pieces with Grieg's *Norwegian Dance* played by her famous teacher Frank Marshall, who went from England to Spain to study and remained there to inherit the pedagogical mantle of Granados. The sound (some of it from cylinders) ranges from barely audible to indistinct, but what it conveys exists in no other form.

Beethoven: Symphony No. 3 in E flat ("Eroica") (London). The rise to prominence of a new Kleiber (Carlos) lends special interest to the "budget" reissue of a mono version of the "Eroica" made in the Fifties by the Vienna Philharmonic and Kleiber's famous father, Erich. All the fond memories are endorsed by a performance of unwavering momentum, crisp articulation, and complete devotion to the composer's purpose. Tonal gold at the price for dross.

Dvořák: Suite Op. 98B ("American") and *The American Flag* (Op. 102) (Columbia). Michael Tilson Thomas's instinct for attractive oddities has led him to a pair of items barely known to Dvořák's most devoted admirers. Neither can be ranked as a neglected masterwork, but each shows a master of his craft applying it in all sincerity to the glorification of the society in which he spent some of his most productive years (1892–95). Joining the Berlin Radio Symphony in the performance of *The American Flag* are Joseph Evans, tenor, Barry McDaniel, baritone, and the St. Hedwig's Cathedral Choir.

D'Indy: *Symphony on a French Mountain Air* (Angel). Aldo Ciccolini may not bring the kind of personal magnetism to this work that Robert Casadesus exercised in his famous version with Eugene Ormandy and the Philadelphia Orchestra (now on the Odyssey label), but his interpretation has its own share of authenticity in this fine-sounding effort done with the Orchestre de Paris, directed by Serge Baudo. With it are high-style treatments of César Franck's *Symphonic Variations* and *Les Djinns*, in which Ciccolini is paired with Paul Strauss and the Orchestre de Liège.

Mozart: Concerto in C (K.246); **Haydn:** Concerto in D (H.XVIII No. 11) (Philips). Should Ana-Maria Vera, born in Washington, D.C., on April 15, 1965, mature to become a luminary of the twenty-first century, she can look back to a disc debut made with two concerti conducted by Edo de Waart and played by the Rotterdam Philharmonic rather than to the two Chopin *morceaux* credited to the young Alicia de Larrocha (see first item above). The prospect for such maturity relates less to the smartly turned out passage work in the fast movements than to Ana-Maria Vera's lyrically appealing response to the Mozart Andante and the Haydn Adagio. Her grasp of musical syntax, of phrase and sentence, suggests that Ms. Vera knows very well what she is doing; also, why.

Bertram Turetzky: Mingus, "Goodbye, Pork-Pie Hat"; Schäffer, "Free Form No. 2"; and others (Finnadar). Bertram Turetzsky's virtuoso command of the string bass and its limited solo repertory have prompted him to the propagation of a new view of both. In these examples that view is too often concentrated on the instrument's potential for odd sounds and sound effects rather than on the opportunities for musical expression latent in its formidable body and deep, resonant voice.

Opera

Delius: *Fennimore and Gerda* (Angel). Those with a recollection of a distant, if not altogether dim, recording of an excerpt from this work directed by Sir Thomas Beecham will find a fulfillment of its promise in this evocative presentation of the whole by Meredith Davies, the Danish Radio Symphony Orchestra and Chorus, and three excellent singers in the principal roles: Elisabeth Söderström (both title parts), Robert Tear (Erik Refstrup), and Brian Rayner Cook (Niels Lyhne). Others, lured to Delius by recent recordings of *Koanga* and *A Village Romeo and Juliet*, will find further evidence of his sorcerer's command of words and tone in the text derived from a novel by Jens Peter Jacobsen.

Vocal

Vladimir Atlantov: *Tosca* (excerpts) (Columbia/Melodiya). All the ring and brilliance that the premier Soviet tenor disposed in his American appearances with the Bolshoi Opera in 1975 are readily available to him in a series of excerpts that include the two tenor arias, the duet from Act I, and "Vissi d'Arte" (with Tamara Milashkina as a powerful Tosca). What is not so available to Atlantov is the idiomatic command of Italian opera writing that he has demonstrated in such classic roles of his own language as Dimitri in Mussorgsky's *Boris* and the heroes of Tchaikovsky's *Eugene Onegin* and *Pique Dame*. Mark Ermler is the conductor, and the recording is excellent.

Renato Scotto: Songs of Puccini, Leoncavallo, Mascagni, Pizzetti, and others (Columbia). Scotto's ever growing collection of recorded operas contains no more treasurable examples of her artistry than these 16 well-chosen, mostly unfamiliar Italian songs. If those by Puccini ("Sole e Amore" and "Menti all'avviso") suggest unused sketches for *Manon Lescaut* or *La Bohème*, there is selfish pleasure in hearing them sung without tenorial or orchestral competition. John Atkins's artful command of the piano underscores Scotto's Italian enunciation, a standard by which that of others may be measured.

Miscellaneous

Dizzy's Party: "Harlem Samba," "Land of Milk and Honey," and others (Pablo). Paradoxically speaking, there is nothing bashful about the bash that is celebrated in *Dizzy's Party*. Among the performing guests are Mickey Roker, drums; Paulhino de Costa, Brazilian percussionist supreme; and Rodney Jones, guitar. Add the flute playing of Ray Pizzi and Benjamin Franklin Brown on Fender bass to Maestro Gillespie's dazzling trumpet, and the consequence is a sextet with but one thing on its collective mind—danceable music.

Cleo Laine and John Williams: "Feelings," "Eleanor Rigby," "Sleep Now," "Wave," and others (RCA). The John Williams of this partnership is indeed the native of Australia famous for his command of the classical-guitar literature. All he has to offer his celebrated singing partner is a sensitive, soothing, yet stimulating countertexture that makes for a sinuous stranding of sound rarely encountered in music, pop or otherwise. A string quintet participates from time to time. Now, then, how about Ella Fitzgerald with Julian Bream on dulcimer?

Louis van Dyke: " 'Round Midnight," "Django," "The Fool on the Hill," "The Entertainer," and others (Columbia). Louis van Dyke is certainly not "Europe's foremost jazz pianist" as the record jacket alleges, but the come-on, however erroneous, provokes attention to a piano stylist of quality. At bottom is a contrapuntal bent that identifies Van Dyke's formal training, but it is applied to enlarge rather than to alter the appeal of the tunes he plays. Jacques Schols, guitar, and John Engels, drums, complete a decidedly unusual trio. —I.K.

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Television

The Revelation According to Prophet Galbraith

by Karl E. Meyer

In *The Age of Uncertainty* we have what might be called the third book of the Authorized Version of human history as compiled by the BBC. First there was Lord Clark's *Civilisation*, or the Old Testament; then there was Jacob Bronowski's *Ascent of Man*, or the New Testament. Now comes John Kenneth Galbraith with the Apocrypha, a 13-part series on economic ideas and their consequences. The quality is good, but not quite up to the rest of the canon.

There are two reasons for my own sense of letdown. First, Galbraith is a familiar media figure to Americans. Neither Clark nor Bronowski was a media figure, at least not in the United States—Bronowski, indeed, was little known among non-scientists. Their impact partly derived from their unfamiliarity. Each had a fresh face, along with the capacity to articulate his expertise with fluency and, in Bronowski's case, with passion.

Galbraith is to an extent the victim of a malady for which there is no known cure—overexposure. Interestingly, when *The Age of Uncertainty* made its premiere in Great Britain earlier this year, the critical response was apparently favorable. But then Galbraith is not a resident pundit in Britain, with a multitude of battle stripes from the *Today* show, *Firing Line*, and network reports during the past two or three political conventions. He has become, in America, a house liberal, his drollness as familiar a trademark as Fred Allen's dry wit on radio some decades ago.

My second reservation has to do with the compulsion to illustrate whatever subject finds its way to the TV screen. Art and science lend themselves to pictures, but economics—the dismal science—does not. Adrian Malone, the executive producer of the series, together with the same BBC team responsible for *The Ascent of Man*, tried valiantly to turn the ideas of Adam Smith into pictures for the first program—shown on Thursday, May 19, at 9:00 P.M. (EST), with weekly installments continuing on successive Thursdays at the same time on most PBS stations. But there was something contrived about the Punch-and-Judy sets showing the Landlord, the Farmer, and the Capitalist; in the lingo of television, it was a "special effect." Similarly, in the program that deals with Karl Marx (June 2), an actor was employed to impersonate the great agitator, a gimmick I don't recall in the previous testaments according to Clark and Bronowski. While gazing at the ugly, carbuncled face of Karl Marx, as conjured up for Galbraith, I found myself wondering what would have happened if the founder of Communism had appeared on television. There'd still be a czar in Russia. . . .

Galbraith's problem is that he is working in a cannibal industry that feeds on its own talent. Our response is insensibly conditioned by the appearance of a fresh face. I was impressed, for example, by *In Search of the Real America*, a six-part PBS series featuring Ben J. Wattenberg, about whom I knew little. Unlike Galbraith, Wattenberg approves of big business and all its works; he applauds what Galbraith deplores. I don't share Wattenberg's views, but I found myself watching the series intently because he is to the video manner born; his inflections are new and his delivery has a salty certitude that compels attention, if not accord.

I list the demerits first, because in all other respects I repeat the conventional wisdom (the phrase being, of course, Galbraith's). Whether Galbraith is talking about the Irish potato famine or the Prussian secret police, he unerringly confects the astringent phrase, as in his remark "There is that terrible needle through which the affluent must be threaded before they can emerge in paradise. Accordingly, if you are either rich or a camel, you should, as a purely practical calculation, enjoy life now."

For the record, *The Age of Uncertainty* was a coproduction of the BBC, station KCET in Los Angeles, and the Canadian Broadcasting Corporation. It has no corporate underwriter. (You may be sure that if Galbraith had taken Wattenberg's line, the petrodollars would have flowed into PBS.)

Last April 11, CBS broadcast something called *The TV Critics Circle Awards*, a two-hour prime-time program produced by David Susskind. For me, the high point was the prize for program non-achievement in 1976–77, which was awarded to *Evel Knievel's Death Defiers* on NBC. It was the only high point, I hasten to add, and it gave me sardonic satisfaction.

In January, I was invited to a meeting of television critics, the purpose being to nominate superior programs for possible awards. Before going, I asked about the origin of the venture; the answers I got were vague. At the meeting itself, I pressed the question and learned that Susskind had booked a show on CBS, and that we critics had been assembled, in effect, to provide him with awards so that he could pad out the broadcast.

A bit querulously, I remarked that there was enough self-congratulation on television. If such a program were produced, I said, a prize should be given to the "worst" show of the year. The suggestion was adopted, though the award was euphemistically translated into "non-achievement." Later, thinking it all over, I decided to drop out of the endeavor.

My fears were confirmed by the resulting show—a vulgar bodying forth of every fatuity in the business. There were no film clips from prizewinning shows; there were, instead, skits of unbelievable banality. The process by which the winners were chosen was barely discussed; the prizes themselves were uninspired. In the event that there is a repeat performance next year, I have no doubt as to the leading contender for program non-achievement—*The TV Critics Circle Awards*. It made Evel Knievel look like Lord Olivier. ◉

Galbraith—"Unerringly confects the astringent phrase."

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Booked for Travel

The Man Who Would Be Kipling

by Horace Sutton

Journeys by elephant—"Open to anyone with a lust to decamp in Nepal."

THE British empire may be settling into quieter years, but there is no diminution, I assure you, of the spirited quest of the derring-do that dispatched David Livingstone into Africa, George Everest to the Himalayas, Robert Scott to Antarctica, to say nothing of Raleigh to the darkest reaches of Virginia.

In a suitably wooded corner of our office, I have held a parley with John Blashford-Snell, newest of Britain's red-hot explorers, who was in town for the annual dinner of the Explorers Club, held at the Waldorf-Astoria, where he dined on sirloin niblets of hippopotamus, llama hump Titicaca, musk ox, and bear meatballs. The menu is reported to have left the hotel's executive chef, Arno Schmidt, less than fulfilled, for two years ago he had served the Explorers lion baked in clay and orchid and honeycomb salad at a special dinner catered by the Waldorf at the club.

It was no disappointment to Blashford-Snell, who, though pictured often and properly in a pith helmet, arrived for our encounter in a blue pinstripe banker's suit that he filled to the seams. Blashford-Snell is robust and forty, parts his name in the middle and his hair very nearly so, and, on the day I saw him, was sporting a tie emblazoned with beavers, the emblem of his regiment.

As a colonel of engineers, he is the commander of a regiment of British youths from sixteen to eighteen who are paid as soldiers, get school holidays, and are at other times trained, in his words, "to conquer anything." Conquering anything means embarking on expeditions to strange corners of the world, either on official army duty or, during leave time, on private excursions.

Blashford-Snell has agreed to lead such a private expedition during his next Christmas leave. It will be open to anyone with $1,500 and a lust to decamp in Nepal, run the Trisuli River on a raft, stay at Tiger Tops Lodge, and then set off by elephant through the south Nepalese jungles. Where the terrain becomes too difficult for the elephants, the group will dismount and set off on foot in search of remote caves and villages of the southern tribes.

The trip has been organized by WEXAS, an acronym for World Expeditionary Association, a travel club that, aside from Himalayan adventures, puts together such outings as Land Rover crossings of the Sahara and saddle trips into the Andalusian Sierra Nevadas, along what the Spaniards now call "La Ruta Aventura." There are, as well, trips to the Sudan for diving in the Red Sea, jungle expeditions to the great opium triangle of northern Thailand, and wilder-

Jordanian dromedary ride— "In the footsteps of T. E. Lawrence by four-wheel-drive Desertbus and by camel."

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ness incursions into deepest New Zealand. A new Jordanian exploration follows in the footsteps of T. E. Lawrence by four-wheel-drive Desertbus and by camel. Like all WEXAS trips, sitting around the pool at the Hilton, it is not.

I do not imply a denigration of the fascinations of Nepal if I say that much of the attraction of spending Christmas in a howdah somewhere south of Katmandu will be the presence of Blashford-Snell himself. In his spare time he lectures on some of his previous expeditions, and they are worth the ticket even if one has to hear them while lurching atop an elephant.

He was on the Dahlak Quest in 1969, which took him to strange islands 35 miles off the coast of Eritrea. It was Haile Selassie's dream to turn the islands into a tourist resort, but certain drawbacks obtruded. For one thing, half of the 3,000 islanders suffered from a blinding disease similar, as it turned out, to that afflicting fishermen in Labrador. Both were suffering from intense ultraviolet radiation, but the fishermen in Labrador went home when the season was over while the Eritrean islanders lived all year around in the glare from the sea.

Two years ago he was on the Zaire River Expedition, detached from the British Army to spend four months riding some 500 miles of rapids while exploring the rich region of Katanga, now Shaba. He found himself in a party of 140, of whom 90 were military, among them Belgians, Dutch, New Zealanders, Australians, Fijians, Nepalese, French, and two Americans from the U.S. Army's Special Forces. The rest were scientists, biologists, and ecologists.

Assessing the natural resources, they employed 40-foot-long inflatable boats developed on the Colorado River, fitted with engines furnished in Britain, and manned by Colorado river runners. Traveling 2,700 miles along the course of the Congo, clear to the Atlantic, they came upon enormous mineral resources that included hills of copper, uranium deposits, much of the world's total supply of cobalt, as well as gold, tin, and manganese.

While on leave, Blashford-Snell is currently lecturing on that trip, a talk he calls "In the Steps of Stanley," after Sir Henry Morton Stanley. A Welshman, Stanley was sent out by the New York *Herald* in 1867 to find David Livingstone, unreported in Africa for nearly a year. Stanley found Livingstone and discovered the Congo as well. That information, patently historical as it is, may not be as interesting to Blashford-Snell's listeners as the relation between the findings of the expedition and the current geopolitical movements in Shaba.

Most of Blashford-Snell's expeditions seem to invade warmer climes because, he reasons, once the tractor appeared, man could go anywhere in the Arctic. He feels a certain affinity for elephants, and when he is home in Dover, he is assigned quarters in Napier House, named for Lord Napier, also pachydermously associated. In 1868 Lord Napier took elephants to Ethiopia to march against the mad emperor Theodore. Having proposed marriage to Queen Victoria, an offer that was spurned, Theodore seized all visible Europeans. Napier vanquished Theodore at the Battle of Magdala, thereby ending a tale that Blashford-Snell recounts with relish and that makes Napier House, for him, a home.

What he calls "Adventures-Training" is a British scheme to allow members of the British forces to join trips such as the Zaire Expedition, the Dahlak Quest, and another to cross the 150-mile Darien Gap, between Colombia and Panama, which took 14 men two months to traverse.

Britain, whatever other woes it may have, is producing more explorers than ever, and that includes the sunlit years when the empire was at its height. One hundred fifty expeditions are estimated to leave from the United Kingdom every year, most of them bent on research as well as adventure.

Cognizant of that national predilection, one is less surprised to learn that the World Expeditionary Association is the largest travel club in Britain. It has nearly 20,000 members who pay $15 a year to receive six copies of its magazine and to have the right to spend $500 to sail the Greek Islands or $2,000 to take a two-week excursion by dogsled along the eastern coast of Greenland.

The least popular trip on the WEXAS books is salmon fishing in Iceland, which might be considered an adventure by some but is apparently too tame for today's Kipling people. The most popular are a Nepalese highlands excursion that includes five days at the Everest Base Camp at 18,000 feet and the Red Sea Dive in the Sudan, the trippers sleeping on the roof at Port Sudan on arrival and then transferring to the miles of beaches, deserted except for wandering camels. Club Mediterranée and all that wine? That's for the French. ◉

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Top of My Head

Better Left Unsaid

by Goodman Ace

In SAD retrospect, I find I've said many things I shouldn't have said—not wrong things, but right things at the wrong time. It began, in fact, on the day I was born, when the doctor slapped me so resoundingly on my entrance that my protesting squall brought nurses from all over the hospital scampering to my side.

The doctor, having mistaken my very first utterance as a criticism of his bedside manner, left the room quickly and never came near me again. And there I was, at age one minute, with a strangulated hernia and no Blue Cross, in bed with a strange woman.

How much more immaculate that birth could have been if I had simply said, "Thanks, Doc, I needed that."

Through the years that slap left its impact, if not its imprint. In times of small crises, where a soft answer might have turned away wrath, I could hear the whisk of the hand and feel the sting of the slap. And I found myself compulsively saying things off the top of my head.

There was I at age ten in the fifth grade, listening to the teacher telling us the story of little George Washington and the cherry tree caper—that part where his father asks George if he is the culprit and George says he can't tell a lie, he is the perpetrator.

"And George Washington grew up to become President of the United States," she concluded. "Now what lesson do we all learn from that?" she asked.

Ralph's hand went up like a shot. I always suspected he was a shill for the teacher. Ralph arose and said, "That lesson learned me that honesty is the best policy."

"How beautifully you put it, Ralph," she cooed, overlooking her favorite's syntax. "Honesty is the best policy, and if honesty is your best policy, too, all the boys in this class may grow up to be President of the United States."

I pondered that. It should have been left pondered, but my hand shot up involuntarily and I said, "Does that honesty policy go only for chopping down cherry trees?"

She stared me slowly back into my seat and, turning to the class, said, "So any other boy in this class may become President of the United States."

Impeached! But I didn't care. A job that lasted only four years didn't seem such a stable deal to me. Besides, I imagine that even back then I resented her exclusion of girls. She considered them second-class citizens whose only hope was to marry one of us honest boys and become First Lady.

At the end of that school year she passed me from the fifth to the sixth grade. She would have passed me to the tenth, eleventh, or twelfth if there had been that many classes to pass me away from her.

What was happening in my youth was the surfacing of a passion for never permitting the status to remain quo—an obsession I couldn't exorcise. It was only in recent years that I beat down the reaction to pull doors that distinctly said: PUSH.

To make matters worse, at the age of twenty I got the job of drama and film critic on the *Kansas City Post*. This proved a fertile field through which I could run rampant for 12 years and give vent to my unpleasant habit of tilting at windbags. Soon the word spread around show-biz circles that I was a very tough critic.

That didn't bother me much, since I already knew I could never be President of the United States. But it did bother my wife. "Listen, dear," Jane said, "if you don't like a movie, you could at least say a few pleasant things about it first, and then say what you didn't like. If I'm wrong I'm not far from it. Doesn't it [seem better] to you?"

It did. The very next movie I saw was one of those films that wasn't released. It escaped. My review began, "Today I would like to say a few pleasant things about the movie at the Newman Theater this week. But I simply can't."

After that review, the owner of the Newman Theater, who also owned three other movie houses, pulled all of his ads out of the paper. The advertising manager reported it to the publisher. The publisher called me in and cryptically told me that I would do well to follow his rule that "you can catch more flies with honey than you can with vinegar." Before I could stop myself, I said, "That's a good rule, if it's flies you want." He never said "good morning" to me during the remaining years I was there.

Now you have the legal right to ask, "If you had your life to live over, what kind of person would you rather be?" My answer is, "If I had my life to live over I would rather be Shirley MacLaine." ◉

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Light Refractions

My Daughter, Debbie, and Albert, Her Waddyacallit

by Thomas H. Middleton

If, when I was in college—or, in fact, at any time thereafter—I had invited a girl friend to spend a few days at my parents' home, and I had suggested that my girl friend and I share the double bed in the guest room, my parents would have . . . forget it; this is already a fantasy so farfetched that it doesn't merit further attention.

Times have changed.

Back in those days, the fiction had it that couples shared the same bed only after they were married, at least among respectable people. And since life and art have a sort of circularity—life following art as art follows life as life follows art, and so on—there were, in fact as well as in fiction, large numbers of respectable couples who shared the same bed only after they were married.

The fiction referred to is novels, theater, films, popular songs, and so on. Remember when Wee Bonnie Baker sang about "When I walk, I always walk with Billy"? Through the song, she told us how she did almost everything with Billy, and the punch line was "and when I sleep [suggestive pause] . . . and when I sleep [salacious chuckle] . . . I always dream of Bill!"

In *The Voice of the Turtle*, which was considered a super-sophisticated comedy when it opened in 1943, Sally, the heroine, has had two affairs, and she blames that fact on her being in New York, in the theater: "If I'd stayed in Joplin, none of this would have happened," she tells her friend, a fellow actress. "Olive," she says, "tell me something . . . *do* ordinary girls? I was raised to think they didn't. Didn't even want to. And what I want to know is—don't they? They don't in the movies. Oh, I know that's censorship . . . but . . . the people who go and *see* the movies . . . are they like that, too? Or else don't they notice that it's all false?"

The very very worldly Olive says, "I've wondered about that myself." And Sally goes on: "Even in Shakespeare, his heroines don't. Ever. Juliet carries on like crazy about not. . . . I don't know whether what Mother and Father taught me was right, or true, or anything."

Sally was right. In those days, if she'd stayed home in Joplin, probably none of that *would* have happened (though we can't discount the possibility).

And, of course, they didn't in the movies. In the movies, even married couples didn't. At least, if they did, it wasn't evident. They all slept in twin beds. Sex was strictly above the neck in those days. Even rape was above the neck. Remember all the Westerns in which a gang of slavering cutthroats captured a beautiful woman? There was always one particularly bestial type who wasn't content with just leering. He went on the attack and tried to force her to his evil will. What he wanted was a kiss. Luckily, Randolph Scott always showed up before the villain's filthy lips could sully those of the fair lady.

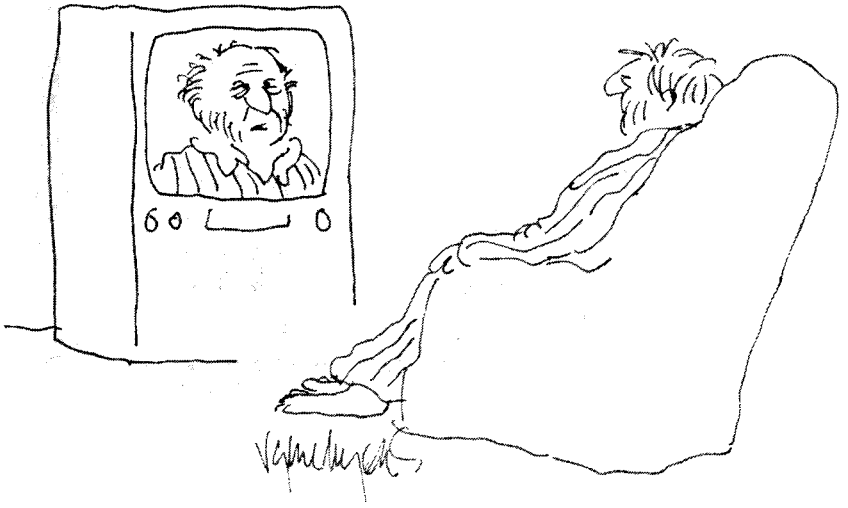
Well, as I said, things have changed, and now I suppose that even in Joplin, parents are faced with a problem we've been hearing a lot about these days: How do you refer to the member of the opposite sex who has moved under the same roof and into the same bed with your son or daughter? Over the past few years, I've received at least a dozen letters discussing this problem. The most recent one is also my favorite. It came from Mrs. Gordon Corbett, of Anchorage, Alaska. She says, "I will appreciate your help in finding a term which is correct and graceful and can be used to identify the person with whom one's sons and daughters are living in a friendly but unmarried state. A number of my friends have children in this situation and we are at a loss for a word.

"I have rejected using the common word of reference, the one that the young people themselves use: friend. It seems too general. The older terms, common-law husband or wife or the word consort, don't appeal to me. The first is clumsy and the second lacks emotional depth."

Mrs. Corbett also rejects the terms *mistress* and *lover*, with good reason. "In short," she says, "my vocabulary does not contain a word which satisfies me in expressing this relationship, at once a domestic, economic, social partnership, and a love affair. And so I have coined one. Reaching back into a sketchy year of French language exposure, I pulled up the word *intime*. It seems to contain enough room for both the inner and outer worlds I have spoken of, and to me it has another advantage. It permits a nickname. Now I can refer to the beloved partners of our children as our own dear Timmies.

"Perhaps you have a better word that I can use. . . . Or perhaps you have no need for such a word."

Society has the need. I've been trying to think of a better word than *intime*, but I can't. I've mentioned *intime* to friends, and the reaction has been favorable every time. As is so frequently the case, the French have a word for it, and I think Mrs. Corbett has found it. ◉



"The 'Late, Late, Late Show' will continue after this message. . . ."

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Illness *from Page 6*

about the usefulness of ascorbic acid in combating a wide number of illnesses—all the way from bronchitis to some types of heart disease. Could it also combat inflammation? Did vitamin C act directly, or did it serve as a starter for the body's endocrine system—in particular, the adrenal glands? Was it possible, I asked myself, that ascorbic acid had a vital role to play in "feeding" the adrenal glands?

I had read in the medical press that vitamin C helps to oxygenate the blood. If inadequate or impaired oxygenation was a factor in collagen breakdown, couldn't this circumstance have been another argument for ascorbic acid? Also, according to some medical reports, people suffering from collagen diseases are deficient in vitamin C. Did this lack mean that the body uses up large amounts of vitamin C in the process of combating collagen breakdown?

I wanted to discuss some of these ruminations with Dr. Hitzig. He listened carefully as I told him of my speculations concerning the cause of the illness, as well as my layman's ideas for a course of action that might give me a chance to reduce the odds against my recovery.

Dr. Hitzig said it was clear to him that there was nothing undersized about my will to live. He said that what was more important was that I continue to believe in everything I had said. He shared my excitement about the possibilities of recovery and liked the idea of a partnership.

Even before we had completed arrangements for moving out of the hospital we began the part of the program calling for the full exercise of the affirmative emotions as a factor in enhancing body chemistry. It was easy enough to hope and love and have faith, but what about laughter? Nothing is less funny than being flat on your back with all the bones in your spine and joints hurting. A systematic program was indicated. A good place to begin, I thought, was with amusing movies. Allen Funt, producer of the spoofing television program *Candid Camera*, sent films of some of his *CC* classics, along with a motion-picture projector. The nurse was instructed in its use.

It worked. I made the joyous discovery that ten minutes of genuine belly laughter had an anesthetic effect and would give me at least two hours of pain-free sleep. When the pain-killing effect of the laughter wore off, we would switch on the motion-picture projector again, and, not infrequently, it would lead to another pain-free sleep interval. Sometimes, the nurse read to me out of a trove of humor books. Especially useful were E. B. and Katherine White's *Subtreasury of American Humor* and Max Eastman's *The Enjoyment of Laughter*.

How scientific was it to believe that laughter—as well as the positive emotions in general—was affecting my body chemistry for the better? If laughter did in fact have a salutary effect on the body's chemistry, it seemed at least theoretically likely that it would enhance the system's ability to fight the inflammation. So we took sedimentation-rate readings just before as well as several hours after the laughter episodes. Each time, there was a drop of at least five points. The drop by itself was not substantial, but it held and was cumulative. I was greatly elated by the discovery that there is a physiologic basis for the ancient theory that laughter is good medicine.

There was, however, one negative side-effect of the laughter from the standpoint of the hospital. I was disturbing other patients. But that objection didn't last very long, for the arrangements were now complete for me to move my act to a hotel room.

One of the incidental advantages of the hotel room, I was delighted to find, was that it cost only about one-third as much as the hospital. The other benefits were incalculable. I would not be awakened for a bed bath or for meals or for medication or for a change of bed sheets or for tests or for examinations by hospital interns. The sense of serenity was delicious and would, I felt certain, contribute to a general improvement.

What about ascorbic acid and its place in the general program for recovery? In discussing my speculations about vitamin C with Dr. Hitzig, I found him completely open-minded on the subject, although he told me of serious questions that had been raised by scientific studies. He also cautioned me that heavy doses of ascorbic acid carried some risk of renal damage. The main problem right then, however, was not my kidneys; it seemed to me that, on balance, the risk was worth taking. I asked Dr. Hitzig about previous recorded experience with massive doses of vitamin C. He ascertained that at the hospital there had been cases in which patients had received up to 3 grams by intramuscular injection.

As I thought about the injection procedure, some questions came to mind. Introducing the ascorbic acid directly into the bloodstream might make more effective use of the vitamin, but I wondered about the body's ability to utilize a sudden, massive infusion. I knew that one of the great advantages of vitamin C is that the body takes only the amount necessary for its purposes and excretes the rest. Again, there came to mind Cannon's phrase—the wisdom of the body.

"Well, it's tennis elbow, all right. But is it lawn tennis elbow or table tennis elbow?"

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Was there a coefficient of time in the utilization of ascorbic acid? The more I thought about it, the more likely it seemed to me that the body would excrete a large quantity of the vitamin because it couldn't metabolize it fast enough. I wondered whether a better procedure than injection would be to administer the ascorbic acid through slow intravenous drip over a period of three or four hours. In this way we could go far beyond 3 grams. My hope was to start at 10 grams and then increase the dose daily until we reached 25 grams.

Dr. Hitzig's eyes widened when I mentioned 25 grams. This amount was far beyond any recorded dose. He said he had to caution me about the possible effect not just on the kidneys but on the veins in the arms. Moreover, he said he knew of no data to support the assumption that the body could handle 25 grams over a four-hour period, other than by excreting it rapidly through the urine.

As before, however, it seemed to me we were playing for bigger stakes: losing some veins was not of major importance alongside the need to combat whatever was eating at my connective tissue.

To know whether we were on the right track, we took a sedimentation test before the first intravenous administration of 10 grams of ascorbic acid. Four hours later, we took another sedimentation test. There was a drop of nine full points.

Seldom had I known such elation. The ascorbic acid was working. So was laughter. The combination was cutting heavily into whatever poison was attacking the connective tissue. The fever was receding, and the pulse was no longer racing.

We stepped up the dosage. On the second day we went up to 12.5 grams of ascorbic acid, on the third day, 15 grams, and so on until the end of the week, when we reached 25 grams. Meanwhile, the laughter routine was in full force. I was completely off drugs and sleeping pills. Sleep—blessed, natural sleep without pain—was becoming increasingly prolonged.

At the end of the eighth day I was able to move my thumbs without pain. By this time, the sedimentation rate was somewhere in the 80s and dropping fast. I couldn't be sure, but it seemed to me that the gravel-like nodules on my neck and the backs of my hands were beginning to shrink. There was no doubt in my mind that I was going to make it back all the way.

The connective tissue in my spine and joints was regenerating. I could function, and the feeling was indescribably beautiful.

I must not make it appear that all my infirmities disappeared overnight. For many months I couldn't get my arms up far enough to reach for a book on a high shelf. My fingers weren't agile enough to do what I wanted them to do on the organ keyboard. My neck had a limited turning radius. My knees were somewhat wobbly, and, off and on, I wore a metal brace.

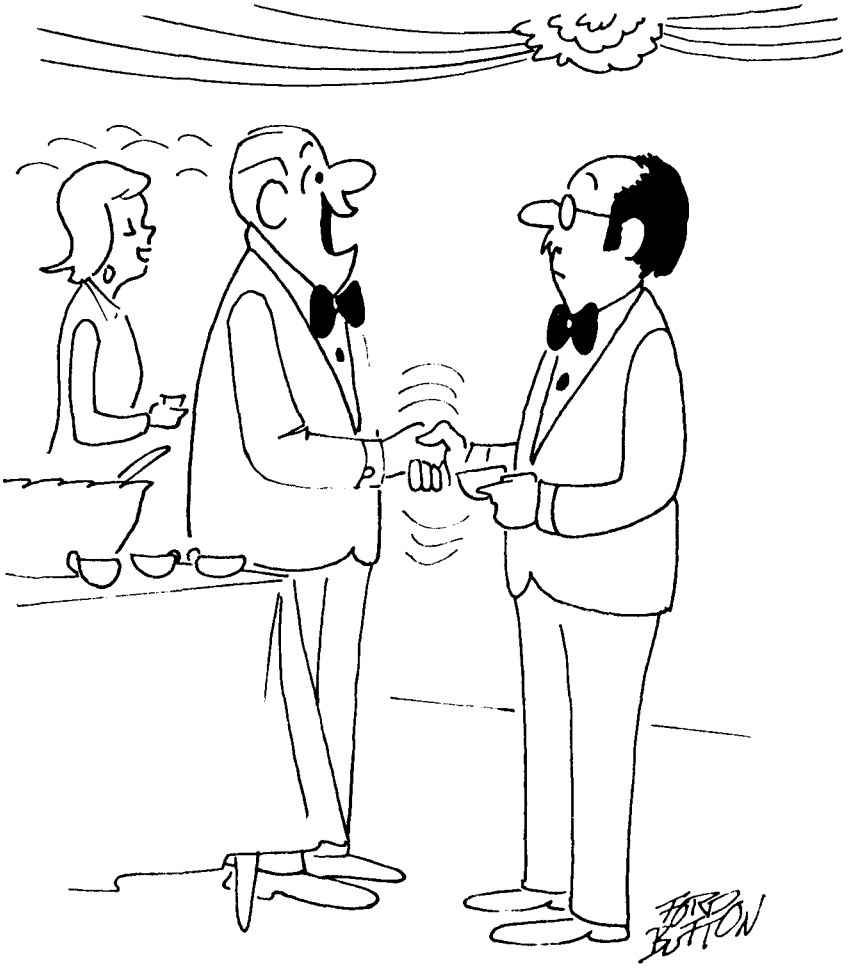
Even so, I was sufficiently recovered to go back to my job at the *Saturday Review* full-time again, and this was miracle enough for me.

Is the recovery a total one? Year by year the mobility has improved. During the past year I have become fully pain free, except for my knees, for the first time since I left the hospital. I no longer feel a sharp twinge in my wrists or shoulders when I hit a tennis ball or golf ball, as I did for such a long time. I can ride a horse flat out and hold a camera with a steady hand. And I have recaptured my ambition to play the Toccata and Fugue in D minor, though I find the going slower and tougher than I had hoped. My neck has a full turning radius again, despite the statement of specialists as recently as 1971 that the condition was degenerative and that I would have to adjust to a quarter turn.

It was seven years after the onset of the illness before I had scientific confirmation about the dangers of using aspirin in the treatment of collagen diseases. In its May 8, 1971, issue, *Lancet* published a study by Drs. M. A. Sahud and R. J. Cohen showing that aspirin can be antagonistic to the retention of vitamin C in the body. The authors said that patients with rheumatoid arthritis should take vitamin C supplements, since it has often been noted that they have low levels of the vitamin in their blood. It was no surprise, then, that I had been able to absorb such massive amounts of ascorbic acid without kidney or other complications.

What conclusions do I draw from the entire experience?

The first is that the will to live is not a theoretical abstraction, but a physiologic reality with therapeutic characteristics. The second is that I was incredibly fortu-



"Watson? Not the Watson who's associated with the new existential approach to the evaluation of S.E.S. and I.Q. variables in behavior modification effectiveness?!"

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nate to have as my doctor a man who knew that his biggest job was to encourage to the fullest the patient's will to live and to mobilize all the natural resources of body and mind to combat disease. Dr. Hitzig was willing to set aside the large and often hazardous armamentarium of powerful drugs available to the modern physician when he became convinced that his patient might have something better to offer. He was also wise enough to know that the art of healing is still a frontier profession. And, though I can't be sure of this point, I have a hunch he believed that my own total involvement was a major factor in my recovery.

People have asked what I thought when I was told by the specialists that my disease was progressive and incurable.

The answer is simple. Since I didn't accept the verdict, I wasn't trapped in the cycle of fear, depression, and panic that frequently accompanies a supposedly incurable illness. I must not make it seem, however, that I was unmindful of the seriousness of the problem or that I was in a festive mood throughout. Being unable to move my body was all the evidence I needed that the specialists were dealing with real concerns. But deep down I knew I had a good chance and relished the idea of bucking the odds.

ADAM SMITH, in *Powers of the Mind*, says he discussed my recovery with some of his doctor friends, asking them to explain why the combination of laughter and ascorbic acid worked so well. The answer he got was that neither laughter nor ascorbic acid had anything to do with it and that I probably would have recovered if nothing had been done.

Maybe so, but that was not the opinion of the specialists at the time.

Two or three doctors, reflecting on the Adam Smith account, have commented that I was probably the beneficiary of a mammoth venture in self-administered placebos.

Such a hypothesis bothers me not at all. Respectable names in the history of medicine, like Paracelsus, Holmes, and Osler, have suggested that the history of medication is far more the history of the placebo effect than of intrinsically valuable and relevant drugs. Such modalities as bleeding (in a single year, 1827, France imported 33 million leeches after its domestic supplies had been depleted); purging through emetics; physical contact with unicorn horns, bezoar stones, mandrakes, or powdered mummies—all such treatments were no doubt regarded by physicians at the time as specifics with empirical sanction. But today's medical science recognizes that whatever efficacy these treatments may have had—and the records indicate that the results were often surprisingly in line with expectations—was probably related to the power of the placebo.

I have wondered, in fact, about the relative absence of attention given the placebo in contemporary medicine. The literature on the subject is remarkably sparse, considering the primacy of the placebo in the history of medicine. Arthur K. Shapiro and the late Henry K. Beecher are among the small number of contemporary medical researchers and observers who have done any noteworthy thinking and writing about this phenomenon. In connection with my own experience, I was fascinated by a report citing a study by Dr. Thomas C. Chalmers, of the Mount Sinai Medical Center in New York, which compared two groups that were being used to test the theory that ascorbic acid is a cold preventative. "The group on placebo who thought they were on ascorbic acid," says Dr. Chalmers, "had fewer colds than the group on ascorbic acid who thought they were on placebo."

I was absolutely convinced, at the time I was deep in my illness, that intravenous doses of ascorbic acid could be beneficial—and they were. It is quite possible that this treatment—like everything else I did—was a demonstration of the placebo effect.

At this point, of course, we are opening a very wide door, perhaps even a Pandora's box. The vaunted "miracle cures" that abound in the literature of all the great religions, and the speculations of Charcot and Freud about conversion hysteria, and the Lourdes phenomena—all say something about the ability of the patient, properly motivated or stimulated, to participate actively in extraordinary reversals of disease and disability. It is all too easy, of course, to raise these possibilities and speculations to a monopoly status—in which case the entire edifice of modern medicine would be reduced to little more than the hut of an African witch doctor.

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But we can at least reflect on William Halse Rivers's statement, as quoted by Shapiro, that "the salient feature of the medicine of today is that these psychical factors are no longer allowed to play their part unwittingly, but are themselves becoming the subject of study, so that the present age is serving the growth of a rational system of psychotherapeutics."

WHAT we are talking about essentially, I suppose, is the chemistry of the will to live. In Bucharest in 1972, I visited the clinic of Ana Aslan, described to me as one of Romania's leading endocrinologists. She spoke of her belief that there is a direct connection between a robust will to live and the chemical balances in the brain. She is convinced that creativity—one aspect of the will to live—produces the vital brain impulses that stimulate the pituitary gland, triggering effects on the pineal gland and the whole of the endocrine system. Is it possible that placebos have a key role in this process? Shouldn't this entire area be worth serious and sustained attention?

If I had to guess, I would say that the principal contribution made by my doctor to the taming, and possibly the conquest, of my illness was that he encouraged me to believe I was a respected partner with him in the total undertaking. He fully engaged my subjective energies. He may not have been able to define or diagnose the process through which self-confidence (wild hunches securely believed) was somehow picked up by the body's immunologic mechanisms and translated into anti-morbid effects, but he was acting, I believe, in the best tradition of medicine in recognizing that he had to reach out in my case beyond the usual verifiable modalities. In so doing, he was faithful to the first dictum in his medical education: *primum non nocere* (Above all, do no harm).

Something else I have learned. I have learned never to underestimate the capacity of the human mind and body to regenerate—even when the prospects seem most wretched. The life-force may be the least understood force on earth. William James said that human beings tend to live too far within self-imposed limits. It is possible that these limits will recede when we respect more fully the natural drive of the human mind and body toward perfectibility and regeneration. Protecting and cherishing that natural drive may well represent the finest exercise of human freedom. ◉

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VACATION OR STUDY this summer in New York? Desirable East side Manhattan 3-room apartment. Available June 1st to September 1st (or partial). SR Box 2197.

FRANCE, 20 MINUTES FROM GENEVA. Furnished, modern kitchen, loggia overlooking Lac Leman. September-June. Ideal for sabbatical or Geneva assignment. Fryer, 275 Riverside Drive Princeton, N.J. 08540.

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HOUSES FOR EXCHANGE

RENT-FREE VACATIONS. Write Holiday Home Exchange, Box 555, Grants, N. Mex. 87020.

MEMBERS EXCHANGE HOMES for rent-free vacation. Write: Vacation Exchange Club (R), 350 Broadway, New York, N.Y. 10013.

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EUROPE CANADA HOLIDAY HOME EXCHANGE, Ltd. We make ALL the arrangements. Brochure . . . 6532-S Maple St., Vancouver, B.C., Canada VP6 5P2.

SUMMER RENTALS

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VERMONT—Beautifully restored 1850 schoolhouse. 3 bedrooms, antiques. Swimming, tennis. $650 monthly/$1200 season. (203) 227-3966.

PENOBSCOT BAY, MAINE. 4 bedrooms, fireplace. Swimming. Magnificent view. August, $750. SR Box 2217.

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HOUSES FOR RENT

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SPAIN, COSTA DEL SOL, ESTEPONA—studio apartment, exclusive area, on ocean, pool, tennis, $24,000 value, now $18,000—sell or trade up for Eastern U.S.A. vacation property. SR Box 2148.

HOUSES FOR SALE

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HELP! I am a victim of the "65? You're dead" syndrome. Expert and experienced proofreader, editing ability. Knowledgeable about ballet, finance, music, books and what I don't know I can research. Definitely not moribund. SR Box 2216.

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SEND wants to Bruce White, 184 Waverly, Framingham, Mass. 01701.

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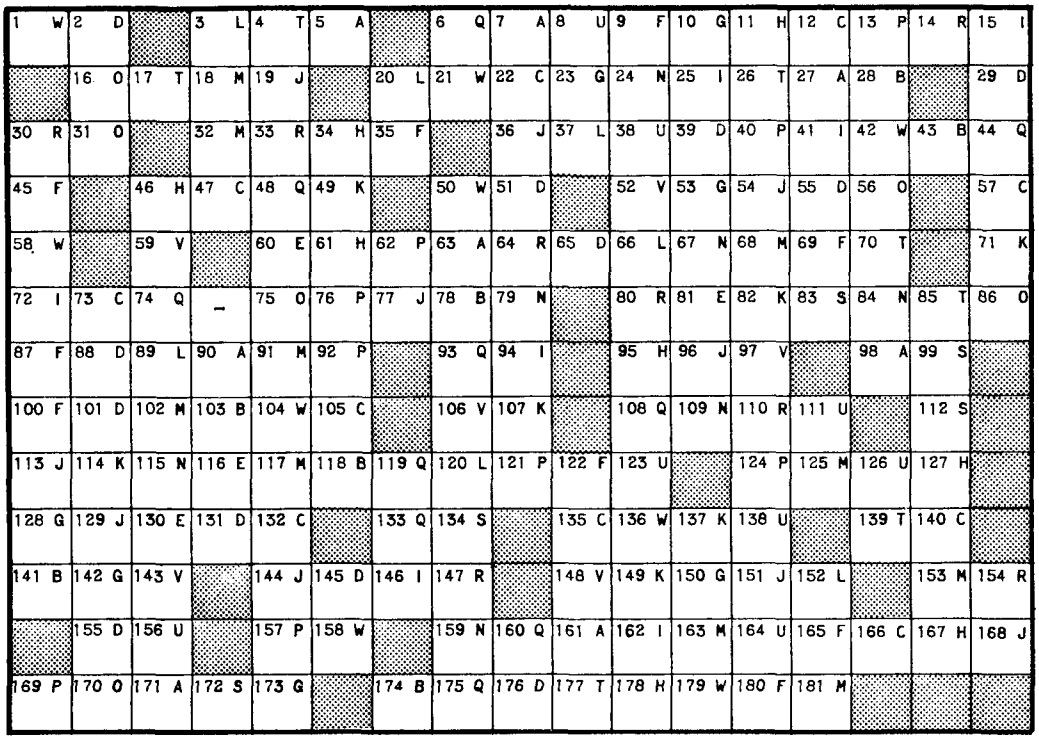
Double-Crostic

by Thomas H. Middleton



Number 124

Instructions

If you've never solved one of these puzzles, it will probably look much more difficult than it actually is. If you can answer only a very few of the WORDS correctly, you're on your way to solving the puzzle.

Fill in the numbered blanks of all the WORDS you can guess, and write the letter of each numbered blank in its correspondingly numbered square in the diagram. The letters printed in the upper-right-hand corners of the squares indicate from what WORD a particular square's letter comes.

The diagram, when filled in, should read as a quotation from a published work. The dark squares are the spaces between words. If there is no dark square at the end of a line, a word may carry over to the line below.

The first letter of each WORD, reading down, will spell the name of the author and the title of the work from which the quotation is taken.

You should find yourself seeing words and phrases taking form in the diagram; so you can work back and forth from WORDS to diagram and from diagram to WORDS, until the diagram is filled in.

CLUES	WORDS
A. Proof. indication, clues	7 63 90 98 171 161 5 27
B. Faults, asks asylum	28 43 78 103 118 141 174
C. "A _____ of sweets" (*Paradise Lost*)	135 57 73 105 132 166 12 47 140 22
D. Glowing or white with heat; extraordinarily lucid	39 55 65 88 101 155 176 51 131 145 2 29
E. A star that suddenly becomes thousands of times brighter, then fades to its original intensity	60 81 116 130
F. Publicly or generally known, usu. unfavorably	180 9 45 69 87 100 122 165 35
G. One of the administrative subdivisions of a province in modern Greece	53 128 150 10 23 142 173
H. Ordinary, commonplace, humdrum	34 61 127 178 11 46 167 95
I. "Porridge and apples,/ Mince, _____, and mutton" (De la Mare, "Miss T")	15 72 94 162 25 41 146
J. Furnishing grounds for a lawsuit	77 151 168 54 96 113 36 144 129 19
K. County of eastern England	82 107 137 71 114 149 49
L. Waits upon	66 89 120 152 3 20 37
M. Thought; design or plan	18 91 181 68 102 117 153 163 125 32
N. Break, violate	84 115 79 24 109 159 67
O. Fashions, styles, trends	170 16 56 86 31 75
P. Slighting or contemptuous treatment	121 62 13 169 40 92 157 76 124
Q. Satirist, esp. political	74 119 6 175 133 160 44 93 48 108
R. Indian bread	147 14 80 110 64 30 154 33
S. Carrion, rubbish	99 83 134 112 172
T. Capturing, arresting, pinching	70 177 26 4 139 17 85
U. TV series that ran for 20 years	164 126 123 38 8 156 138 111
V. Optimistic, cheerful	97 148 52 143 59 106
W. Emergence, aura, effluvium	21 42 1 58 50 158 179 136 104

Answer to *Double-Crostic No. 123* appears on page 24.

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